

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 471 OF 2022

Sudam Ganpat Ingle and another **Versus** State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B. Dafle, counsel for the applicants.

Shri T.A.Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 03/08/2022

1. The applicant is seeking pre-arrest bail in Crime No. 114 of 2022, registered with Police Station Dhad, District Buldhana, for the offences punishable under Sections 436, 452, 323, 143, 147, 504, 506, 427 of the Indian Penal Code.

2. Learned counsel for the applicants submits that there was a dispute of fact between the complainant and the applicants and the FIR is the outcome of the same.

3. It is submitted that, out of six accused persons, except the applicants all four other co-accused persons have been released on bail by the learned trial Court. Accordingly, he prays for grant of pre-arrest bail on the principles of parity.

4. Learned counsel for the applicants further submits that considering the reply of the State, as the investigation is almost completed, the custodial

interrogation of the applicants are not necessary. He, therefore, prays for grant of pre-arrest bail.

5. On other hand, learned APP strongly opposed the present application and submits that there are eye witnesses, who have seen that the applicants have set the house of the informant on fire.

6. It is submitted that, the offence is very serious and the maximum punishment for the offence punishable under Section 436 of Indian Penal Code is life imprisonment. It is further submitted that, the custodial interrogation of the applicants is necessary.

7. Shri Ram Karode, learned counsel, who is assisting the prosecution and appearing on behalf of the complainant, reiterates the submissions of the learned APP and prays for rejection of the present application.

8. I have perused the Case-diary and the FIR.

9. The allegations made in the FIR show that, there is some dispute, in relation to the agricultural land, between the applicants and the family members of the informant. On the date of incident, the applicants with other co-accused entered into the house of the informant, they assaulted the informant and the family members and thereafter set the house of the informant on fire. There are witnesses to this incident.

10. Thus, considering the seriousness of offence and severity of punishment, I am of the opinion that custodial interrogation of the applicants is necessary.

11. As far as the parity is concerned, the applicants cannot claim parity in this case. While considering the bail application of other co-accused persons, they have been granted bail considering that they are ladies and age of one of the co-accused, as 70 years. In the circumstances, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]