

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

954 BAIL APPLICATION NO.152 OF 2023

AVINASH DAMU BIRHADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Syed Azizoddin R. a/w Mr. Pandit
Sushil P.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 01.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The facts of the case reveals that the dispute involved about the land of one Naparya. He had transaction of sale in the name of the wife of applicant. Prior to that, he had also the sale transaction with Viju, the husband of the complainant. The sale permission in favour of the husband of the complainant was declined. Then a new agreement was done in the name of applicant's wife. The permission was sought to sell the land. However, again the dispute arose. It seems that the property of said Naparya is highly valuable. Considering these facts, it is clear that the husband of the complainant and the

applicant both were trying to purchase the property of said Naparya. In view of these facts, there is a great possibility of lodging incorrect report against the applicant. The applicant also lodged the report against the complainant, Naparya, the husband of the complainant and others. The applicant has been arrested on 05.01.2023. The allegations of snatching golden ornaments appears colourful with a view to make the offence serious. In view of the facts of the case and material progress in the investigation, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **AVINASH DAMU BIRHADE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.8 of 2023, registered by Police Station Navapur, District Nandurbar, for the offences punishable under Sections 395, 365, 323 of the IPC, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.

- (b) He shall attend the Police Station as and when called by the Investigating Officer on written notice till filing of the charge sheet.

(S. G. MEHARE, J.)

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vmk/-