

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.205 OF 2023
WITH APPLN/596/2023 IN BA/205/2023

GURUJI BABU GAVIT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Nilesh N. Desale
APP for Respondents/State : Mr. S. B. Narwade
Advocate for Complainant : Mr. Gajendra D. Jain
...

CORAM : S. G. MEHARE, J.

DATE : 13-02-2023

PER COURT :-

1. Heard the learned counsel for the applicants, the learned A.P.P. for the respondents/State and the learned counsel for the complainant.

2. It is not in dispute that the parties have the civil litigation over the land and agreement to sell. The role attributed to applicant No.1 is that he had snatched cash of Rs.40,000/- from the pocket of the first informant and other accused/applicants, except applicant Sunil Guruji Gavit, have allegedly hold the complainant.

3. The learned counsel for the applicants would submit that considering their role, nothing is recovered from them. This is a false complaint arising out of civil litigation to pressurize them to have a sale transaction completed. Such a false allegations have been levelled against the applicants.

4. The learned A.P.P. and the learned counsel for the first informant would submit that a large number of people assaulted the complainant at a time. There was a civil dispute about transfer of immovable property and to pressurize the complainant, he has been assaulted.

5. The complainant and his family has apprehension of the danger to their lives at the hands of applicants. They were aggressive. The investigation is in progress. Hence, they may not be granted bail.

6. Perused the papers produced before the Court.

7. The role attributed to the applicants except applicant Satish was holding the accused and applicant Guruji has took away Rs.40,000/- from the pocket. The incident happened in a public place. Whether the applicant was carrying huge amount was within the knowledge of the applicant, is a matter of trial.

Considering their role and progress in the investigation, the Court is of the view that, they may not be kept behind bar for further period. However, to guard the apprehension of the applicants, certain conditions may be imposed. Hence, the following order :-

- i) The application is allowed.
- ii) Applicants Nos. (1) Shri. Guruji Babu Gavit, (2) Shri. Manohar Ashok Gavit, (3) Shri. Sukalal Naratya Gavit, (4) Anshu @ Anesh Arjun Gavit, (5) Shri. Satish Posalya Gavit, (6) Shri. Rav Babu Gavit and (7) Shri. Sunil Guruji Gavit, be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of like amount in C.R.No.10 of 2023, registered with Navapur Police Station, Taluka Navapur, District Nandurbar, for the offence punishable under Sections 395, 452, 326, 324, 323, 504 and 506 of the Indian Penal Code on the conditions;
 - (a) They shall not tamper with the prosecution witnesses.
 - (b) They shall not contact the first informant and his family members till the conclusion of the trial.
 - (c) They shall maintain the law and order.
 - (d) They shall attend the police station on every first Thursday, between 12.00 noon to 2.00 p.m., till filing of the chargesheet.
- iii) Criminal Application No. 596 of 2023 stands disposed of.

**(S. G. MEHARE)
JUDGE**