

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.142 OF 2023

Akash s/o Arjun Godage

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. K.N. Shermale, Advocate for applicant
Mr. A.S. Shinde, A.P.P. for respondents
.....

CORAM : R.G. AVACHAT, J.

DATE : 9th MARCH, 2023

P.C. :

Heard. The First Information Report (F.I.R.) has been lodged by one Bharat Navale on 31/10/2022 in relation to the incident that took place the preceding day. It is the case of the informant that the scheme of consolidation of holdings of agricultural lands was implemented in the village way back in the year 1980. Some mistake crept in implementation of the scheme. The 7/12 extract of the land Gut No.853 came into being. The said land was recorded in the name of one Anjanabai Dengle and others. Originally Anjanabai held land admeasuring only 23 R. However, due to the mistake in the consolidation scheme, the area admeasuring 3 Hectors 3 R

came to be recorded in her name. Taking advantage thereof, Anjanabai executed a gift deed of that much land in favour of one Shailabai. Shailabai in turn sold it to Vaishali. Vaishali, in turn, executed agreement for sale of the said land in favour of the present applicant.

2. The incident is said to be fall out of wrong entries in the revenue record. It is alleged in the First Information Report that on the given day i.e. on 30/10/2022, the applicant along with about 50/55 persons came to the field. All of them were armed with weapons like swords, sticks etc. A J.C.B. was also brought there. The applicant and his associates had come there to forcibly dispossess the informant. In the process of an attempt to dispossess the informant from the said agricultural land, a fight is said to have taken place between the two groups. It is brought to the notice of this Court that an F.I.R. had already been lodged against the informant herein on the same day i.e. on 30/10/2022 by 9.20 p.m.

3. As such, the record indicates that a fight must have ensued between the two groups. It is informed that the said incident took place in the presence of some police officials. A statement of Police Head Constable Manoj Patil was, therefore,

adverted to. Manoj in his statement has stated that, neither the applicant nor his associates were armed with any weapon. As such, the police officials who were present at the scene of offence support the case of the applicant. The learned A.P.P. has strong reservations to grant the relief to the applicant, since according to him, there are statements of other witnesses to support the informant's version. Another police official also gave his statement supporting the case of the applicant herein. In view of the same, the veracity of the averments in the First Information Report appears to be doubtful. The Court is, therefore, inclined to allow the application. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with Crime No.0460/2022, registered with Sangamner Taluka Police Station, District Ahmednagar for the offence punishable under Sections 354(A)(1)(i), 143, 147, 148, 447, 327, 504 of the Indian Penal Code, the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

- (iii) The applicant shall not tamper with the prosecution evidence. The applicant shall appear before the concerned police station as and when required by the investigating officer.

(R.G. AVACHAT, J.)

fmp/-