

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.377 OF 2023

Govind s/o Devakinandan Agrawal & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....

Mr. Amol S. Gandhi, Advocate holding for
Mr. Punit S. Mehta, Advocate for applicants
Mr. A.S. Shinde, A.P.P. for respondents, assisted by
Mr. S.J. Salunke, Advocate for intervener

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WITH

CRIMINAL APPLICATION NO.1221 OF 2023 IN
ANTICIPATORY BAIL APPLICATION NO.377 OF 2023

Rajesh Madhukarrao Kale ... **APPLICANT**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....

Mr. S.J. Salunke, Advocate for applicant
Mr. Amol S. Gandhi, Advocate holding for
Mr. Punit S. Mehta, Advocate for respondents No.3 to 5
Mr. A.S. Shinde, A.P.P. for respondents No.1 & 2

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CORAM : R.G. AVACHAT, J.

DATE : 28th MARCH, 2023

PER COURT :

Criminal Application No.1221/2023 is allowed. The
intervener is permitted to assist learned A.P.P.

2. Heard. Perused the F.I.R. The applicants are alleged to have attempted to forcibly take possession of a premises in the nature of an open plot, leased out to the informant, co-operative Society. There are photographs to indicate that tin sheds standing on the plot have been removed and some articles therein have been taken away. Admittedly the plot belongs to the applicants herein. Learned counsel for the applicants, on instructions, makes a statement that the Society is in possession of the said plot and the applicants may have recourse to a remedy of civil suit for obtaining possession thereof. So far as regards damage suffered by the Society concerned, the Court asked the learned counsel for the applicants to deposit a sum of Rs.5 Lakhs towards damage suffered by the intervener Society. After taking instructions, the learned counsel for the applicants came around to deposit Rs.5 Lakhs as was expected by this Court.

3. In the aforesaid factual backdrop, the application is allowed. In the event of arrest of the applicants in connection with F.I.R. No.0068/2023, registered at Nanalpeth Police Station, Parbhani for the offence punishable under Sections 380,414, 506 read with Section 34 of the Indian Penal Code,

the applicants be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

4. The applicants shall not tamper with the prosecution evidence and shall appear before the investigating officer as and when required for the purpose of investigation.

5. The applicants shall deposit amount of Rs.5 Lakhs (Rupees five lakhs) with the trial Court within a period of four weeks from today. Once the amount is deposited, the same be deposited in the Bank Account of "The Sahayog Bijotpadak Kharedi Vikri Va Prakriya Sahakari Sanstha Ltd., Parbhni. This amount shall be over and above what will be due from the applicants towards the damages or compensation suffered by the Society, in case the Society files a suit for recovery thereof and gets a decree in that regard. This amount shall be given due set off if in a civil proceedings the Court directs the applicants to pay the Society some amount towards compensation as and when required.

(R.G. AVACHAT, J.)

fmp/-