

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3131 OF 2022

Balasaheb Bhausahab Navgire Applicant

Versus

Santosh Macchindra Navgire
and others Respondents

.....
Mr. Chandrakant K. Shinde, Advocate for the Applicant
Mr. A.A. Jagatkar, APP for Respondent No.11 – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th FEBRUARY, 2023

ORDER :

1. By this application, the applicant seeks cancellation of anticipatory bail granted in favour of respondent Nos. 1 to 10 by the learned Additional Sessions Judge, Newasa vide order dated 08.06.2022 in Crime No. 119 of 2022 registered with Sonai Police Station, District Ahmednagar for offences punishable under sections 395, 379, 504 and 506 of the Indian Penal Code.

2. Informant, Balasaheb Bhausahab Navgire has lodged FIR alleging that the accused persons have stolen wheat crop from his field.

3. The Sessions Court, after considering the papers of investigation, and the orders passed by the High Court, and considering the fact that civil dispute is pending between the parties in respect same piece of land, and considering the fact that none of the parties have produced any record to show as to who had sowed the wheat crop, and who was in actual possession of particular portion, granted anticipatory bail holding that basic dispute is pertaining to ownership of piece of land and the parties have civil remedies open and certainly for the same, liberty of the accused persons cannot be curtailed.

3. Considering the pendency of the disputes, the Sessions Court was justified in granting anticipatory bail to the accused persons. There is no illegality or perversity in the order passed by the Additional Sessions Judge, Newasa.

4. The application, being devoid of merit, is rejected.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane