

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

**ANTICIPATORY BAIL APPLICATION NO.1705 OF 2022**

Ramakant Walmik Holambe And Others                      ...Applicants

Versus

The State Of Maharashtra And Another                      ...Respondents

Mr. A.A. Phad, Advocate for applicants.

Mr. V.S. Badakh, APP for respondents.

Mr. S.S. Dargad, Advocate for informant.

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**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 23<sup>rd</sup> FEBRUARY, 2023**

**ORDER :**

1.                Applicants apprehend arrest in Crime No. 256/2022, registered with Parali Rural Police Station, Beed, for offence under section 379 read with 34 of the Indian Penal Code.

2.                FIR is lodged by Narayan Palwade alleging that he is retired professor and is cultivating his ancestral property in Helamb Shivar, Gut No. 216 admeasuring 60 Are, which is in joint possession of informant, his brother and sister. He had sown Soyabean crop in the said in June-2022. Said crop was ripped for harvesting in October-2022. On 06.10.2022 at about 11.00 am, he was informed by his brother Ram that Soyabean

crop is being harvested by applicants and same is being stocked in the tractor. His brother also forwarded photographs of said incident. He got shock due to that incident and after few days he went to the field and saw that his Soyabean crop of Rs. 1,00,000/- was stolen away. Hence, he lodged the FIR.

3. Heard the learned advocate for the applicants, learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers and documents filed by learned advocate for informant.

4. There appears dispute about possession of said land between informant and accused persons. Though, civil suit filed by brother of applicants was dismissed and finding is recorded in the same that he is not in possession of said land, still applicants claim that they are in possession of said land. Statements of adjoining agricultural land owners support his contention that the applicants are in possession of said land.

5. It is necessary to mention here that on 6.10.2022, at the time of harvesting of said crop, on information police had arrived on the spot and took both the parties to the police

station for settlement of dispute. Soyabean crop was left on the boundary. Statement of applicants further reveals that during the night of 06.10.2022, Soyabean crop was stolen by unknown persons. So far, investigation officer is not in a position to trace as to who exactly has taken away the said crop in the night of 06.10.2022.

6. Considering the aforesaid facts and the fact that applicants were granted interim protection and were directed to attend the concerned police station and they have attended the police station and have co-operated in the investigation, pre trial custodial detention of the applicants is not necessary in the facts of the present case.

7. In the result, application is allowed.

8. In the event of arrest of applicants in connection with Crime No. 256/2022, registered with Parali Rural Police Station, Beed, for offence under section 379 read with 34 of the Indian Penal Code, applicants shall be released on executing personal bond of Rs. 15,000/- each with one surety in the like amount.

9. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by the investigation officer. The applicants shall not tamper the prosecution evidence.

**[NITIN B. SURYAWANSHI, J.]**