

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3248 OF 2022**

Mr. Sachin H. Deokar for the Applicant.
Mr. Y. Y. Dabke APP for the Respondent-State.

DATED : 10TH JANUARY 2023

2. The present Applicant is purchaser of land bearing Gat No.237 situated at village Malthan, Taluka Phaltan, District Satara as per sale deed executed in the year 2015. He purchased the land in question from accused No.1 - Mangal Suresh Gaikwad and accused No.2 - Suresh Gulab Gaikwad. The grievance of the first informant - Rahul Satpute is that in fact he was purchaser prior to purchase of land by present Applicant. The cause of action arose in the year 2015 when the first informant protested the action of present Applicant about removing board of the first informant installed on the land. Then the first informant challenged the act of the Applicant. The Applicant threatened him by showing revolver. On complaint of the first

informant, the offence was registered by the Lonand police station on 11th August 2022 (page 10). The Applicant came to be arrested on the same day and since then he is behind bar. It is also contended that the offence is of civil nature and civil suit is already going on.

3. The bail is opposed on ground that the Applicant has purchased the land, even though there was earlier sale and in view of the same the first informant was threatened by the Applicant by showing revolver. The revolver along with cartridges are seized. There are previous antecedents.

4. The Court of Additional Sessions Judge rejected the request for bail. It is true that even though the incident took place in the year 2015, the FIR came to be lodged in the year 2022. Further investigation may go on, however, detention of the Applicant behind bar is not required. Even though there are other criminal antecedents, bail cannot be denied if the Applicant is entitle to be released on bail. Hence, the following order is passed :-

- (a) The Applicant – Digambar Rohidas Agawane be released on bail on furnishing PR bond and surety bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (b) The Applicant shall not threaten the prosecution witness.
- (c) The Applicant shall give attendance to the Lonand police station on every Monday from 10 am to 12 noon for two more months.
- (d) The Applicant shall furnish permanent address and contact details to the Inspector of Police of the concerned police station and intimate the change, if any.

- (d) The Applicant shall regularly attend the proceedings before the trial Court.
- (e) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail.

5. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

6. Application is disposed of in the aforesaid terms.

7. All the parties to act on an authenticated copy of this order.

(S. M. MODAK, J.)