

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 454 OF 2023

Anant K. Salunkhe

...Applicant

V/s.

The State of Maharashtra

...Respondent.

WITH
INTERIM APPLICATION NO. 612 OF 2023

Mr. Sujay H. Gangal for the Applicant.

Mr. P.H. Gaikwad – Patil , APP for the Respondent/State.

Mr.Rajiv Chavan, Sr. Advocate a/w. Ms Sweta Ghose i/b Ms Bhairavi Waravdekar for the Intervenor.

CORAM : N.R. BORKAR, J.
DATE : 10.03.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 156 of 2022 registered at Pali Police Station, Raigad for the offences punishable under Sections 379 and 427 of the Indian Penal Code.
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State and the learned Senior Counsel for the intervenor.
4. According to the prosecution on the date of incident, which took place on 10/11/2022, the present applicant had instigated the villagers from Ghodpapad Adivasiwadi to demolish iron wire

fencing which was erected by the complainant to protect the land owned by him. It is alleged that after demolishing the said fencing the applicant took away the fencing material worth Rs.48000/- .

5. The learned counsel for the applicant submits that the fencing was removed by the villagers from Ghodpapad Adivasiwadi as by the said fencing their access road was blocked. It is submitted that pursuant to the order dated 15 February 2023 passed by this Court the applicant has deposited the amount of Rs.50,000/-. It is accordingly, submitted that the applicant may be released on anticipatory bail.

6. On the other hand, the learned APP submits that the applicant is involved in two more crimes. It is submitted that considering the nature of offence the applicant may not be released on anticipatory bail.

7. The applicant has placed on record the documents in relation to the complaint lodged by the villagers of Ghodpapad Adivasiwadi in relation to fencing in question.

8. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

A) The Anticipatory Bail Application is allowed.

B) In the event of arrest of the applicant in C.R. No. 156 of 2022 registered at Pali Police Station, Raigad for the offences punishable under Sections 379 and 427 of the Indian Penal Code, the applicant be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C) The applicant shall not enter into the jurisdiction of Pali police station for the period of one year from the date of this order.

9. The Interim Application for intervention is disposed of.

[N.R.BORKAR, J.]