

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2335 OF 2023

Amol Subhash Patil and ors. ...Applicants
Versus
State of Maharashtra ...Respondent

Mr. Aniket Nikam, i/b Amit Ichan, for the Applicants.
Mr. Nandkumar Patil, APP for the State.
Mr. S. N. Joungal, PHC No.218, Tasgaon Police Station,
present.

CORAM: N. J. JAMADAR, J.
DATED: 21st AUGUST, 2023

PC:-

1. Heard the learned Counsel for the applicants.
2. This is an application for pre-arrest bail in connection with CR No.338 of 2023, registered with Tasgaon Police Station, District Sangli, for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 504, 506 and 452 of Indian Penal Code, 1860 ("the Penal Code").
3. The indictment against the applicants is that the applicants and co-accused committed house trespass and assaulted the first informant and his son. Except the offence punishable under Section 452 of the Penal Code, rest of the offences are bailable.

4. The learned Sessions Judge was persuaded to exercise the discretion in favour of four of the co-accused and direct them to be released on pre-arrest bail.

5. The genesis of the alleged incident seems to be in the dispute between the parties over an agricultural land. The applicants are the sons of the first informant's brother. *Prima facie*, whether there was a completed act of house trespass appears to be debatable. In the event, the nature of the accusation is not such that custodial interrogation is warranted to facilitate further investigation. In the circumstances, especially having regard to the punishment which the offence under Section 452 entails, a case is made out to exercise the discretion in favour of the applicants.

6. Hence, the application stands allowed.

7. In the event of arrest of the applicants in CR No.338 of 2023, registered with Tasgaon Police Station, they be released on bail on furnishing a PR Bond in the sum of Rs.30,000/-, with one or two sureties in the like amount, each.

8. The applicants shall cooperate with the investigation and report to the Investigating Officer as and when directed.

9. The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the any of the prosecution witnesses.

[N. J. JAMADAR, J.]