



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

ANTICIPATORY BAIL APPLICATION (ABA) NO. 493 OF 2023

Santosh s/o Yadav Bhambe and Ors.

Vs.

State of Maharashtra, Thru. PSO, PS Dongaon, Tah. Mehkar, District – Buldhana.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N.B. Kalwaghe, Advocate for applicants.

Mr. M.J. Khan, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : 20.09.2023.

Apprehending their arrest in connection with Crime No.157/2023 registered with Police Station Dongaon, Tah. Mehkar, District – Buldhana, for the offences punishable under Sections 452, 143, 144, 147, 148, 427, 504 and 506 of the Indian Penal Code, the applicants have filed this application for anticipatory bail.

2. Heard the learned counsel for the applicants as well as the learned APP for the State and gone through the case diary.

3. Perusal of the case diary transpires that on 25.06.2023, when the complainant was in the house, all the applicants along with co-accused came near the house of complainant along with wooden sticks and iron rods. They abused the complainant and started pelting stones on his house, thereafter, the complainant locked the door from inside the house. The applicants broke open the door and caused damaged to TV, AC and household articles and even TVS Scooty of one Mr.Tejrao Khandare. On this complaint of the complainant, the aforesaid offence came to be registered against the applicants. The applicants and other co-accused have applied for anticipatory bail to the Principal Sessions Court. The other co-accused were released on the anticipatory bail whereas the present applicants had been denied the extraordinary relief.

4. It appears that there was a dispute between brother of informant and applicant Santosh in respect of agricultural land. Initially, the quarrel took place between the nephew of the complainant and the applicant Santosh and thereafter all the applicants went inside the house of the complainant after forming an unlawful assembly and in prosecution of common object of the said assembly,

and they committed criminal tress-pass into the dwelling house of informant and damaged the household articles. Barging in a dwelling house in civilized society by an unlawful assembly of 13 people with arms, sticks and iron rods and causing damages to articles is a serious act against the society therefore, it is required to be deprecated. The investigation is at primary stage. It appears that since the weapons used in the crime are required to be seized, the custodial interrogation of the applicants is necessary.

5. In view thereof, no case is made out for anticipatory bail. Hence, the application is rejected.

JUDGE