



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 50 OF 2024

Abhijeet @ Lara Sunil Kadam

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....

Kawade Shrikant G., Advocate for Applicant

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Mr. Shrikant G. Kawade, Advocate for Applicant
Mr. A.R. Kale, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th APRIL, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No.213 of 2023, registered with Parli City Police Station, District-Beed for offences punishable under sections 436, 427 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Rohit Jitendra Modi alleging that, on 25.11.2023, in the midnight, while he along with his family members was sleeping, they felt that window of their house is opened by somebody. Therefore, they got up and noticed that *saree* and blanket in the house is burning. Therefore, there was alarm and they came out of the house. At that time, they

found the glass of window is broken. They also heard the accused saying "set the motorcycle on fire". At that time, they found the applicant, co-accused Amar Bendre, Sairaj Bhosale and one unknown person were present. Thereafter, Amar Bendre, set sport bike of informant bearing No.MH-44/X-4927 on fire. So also applicant was found provoking them to pour petrol on informant's mother and set her on fire.

3. Heard learned advocate for applicant and learned APP for respondents – State. Perused the investigation papers.

4. Record indicates that, there is two days delay in lodging the FIR. In the FIR, only allegation levelled against applicant is that he was instigating co-accused no.2 for throwing petrol on informant's mother. No overt act of assault is attributed to applicant. During investigation, CDRs were obtained to trace mobile location of applicant and it appears that his mobile location was found at his home. Therefore, *prima facie*, over implication of applicant in the present crime cannot be ruled out in the facts of the present case. It is a matter of record that, earlier, mother of applicant has lodged FIR against informant and others in the year 2022 at C.R. No.0248/2022, which is registered for offences punishable under sections 143, 147, 148, 149, 452, 327, 324, 323, 504,

506 of the Indian Penal Code and under sections 4/25 of the Arms Act. In the light of these facts, applicant's involvement in the present crime, *prima facie*, appears to be doubtful.

5. Application is therefore allowed by confirming interim protection granted to applicant by order dated 18.01.2024.

6. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE