



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 ANTICIPATORY BAIL APPLICATION NO. 263 OF 2024

- 1) Rushikesh Babasaheb Pawar
- 2) Subhash @ Devidas Shripati Pawar
- 3) Jyoti Devidas Pawar
- 4) Ankush Rama Adsare
- 5) Ram @ Rama Bhimraj Adsare
- 6) Subhash @ Arun Ashok Barde
- 7) Hanumant @ Gajanan Asaram Barde
- 8) Lata @ Latabai Babasaheb Kate
- 9) Babasaheb Raghunath Kate ...Applicants

Versus

- 1) The State of Maharashtra
- 2) The Superintendent of Police,
Ahmednagar ...Respondents

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Advocate for Applicants : Mr. Pankaj A. Bharat
APP for Respondents: Ms. V.S. Chaudhari

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CORAM : SHIVKUMAR DIGE, J.
DATED : 21st JUNE, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No.828 of 2023 registered with Pathardi Police Station, district Ahmednagar, for the offence punishable under sections 427, 436, 143, 149, 504, 506 of the Indian Penal Code (For short, "IPC").

2. It is the prosecution's case that the complainant Sharad

Narwade on 10.8.2023 had been to the house of his uncle. His uncle's daughter-in-law Manisha and grandson Omkar had committed suicide and his uncle and family members had gone to Government Hospital as post mortem of Manisha and Omkar was going on. At about 11.30 to 12.00 noon, all applicants came to the house of his uncle and they torched the gunny bags of grain, materials in the almirah, clothes, wooden articles and other household material. There was loss to material's worth Rs.33,000/- which includes bags of grain, clothes, wooden furniture etc.

3. It is the contention of the learned counsel for the applicants that the applicants have not committed any offence. The applicants have filed complaint against the uncle of the complainant herein under Sections 306, 323, 504, 506 and 34 of I.P.C. on 9.8.2023. To counter the said complaint, in the present crime the applicants have been implicated. Learned counsel further submitted that the loss caused is shown only to the damage of the property in the house. The applicants have been roped in a false case and the custodial interrogation of the applicants is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicants have

burnt the household articles of the uncle of the complainant. The fire was extinguished by the persons of fire brigade. There is prima facie case against the applicants. The custodial interrogation of the applicants is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. It appears that on 9.8.2023 the offence was registered against the uncle of the complainant under Sections 306, 323, 504, 506 and 34 of I.P.C. Thereafter, on the next day, the present complaint is filed against the applicants. It is alleged that the applicants have set on fire the articles in the house but in the F.I.R. it is not mentioned that due to the said fire, the damage was caused to the house. Considering the nature of allegations against the applicants, their custodial interrogation is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with crime No.828 of 2023 registered with Pathardi Police Station, district Ahmednagar, for the offence punishable under sections 427, 436, 143, 149, 504, 506 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each

with one surety of the like amount by each of them, on the following conditions :-

(a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

rlj/