



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 331 OF 2024

PRAMOD KAKASAHEB SHINDE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. V.D. Sapkal, Sr. Advocate i/b Mr. Sandip R. Sapkal, Advocate for
Applicant

Mr. S.P, Sonpawale, APP for Respondents/State

...
ANTICIPATORY BAIL APPLICATION NO. 346 OF 2024

RAVINDRA VITTHAL UNDE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Amol S. Gandhi, Advocate for Applicants

Mr. A.R. Kale, APP for Respondents/State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th MARCH, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.60/2024, registered with Newasa Police Station, Ahmednagar, for offence punishable under Sections 452, 436, 143, 147, 148 of the Indian Penal Code.

2. FIR is lodged by Arun Ashok Garad alleging that he has dispute with Ravindra Vitthal Unde in respect of agricultural land bearing Gut Nos.256/1 and 256/2 which is pending in Civil Court. On 24/01/2024 at about 06:00 p.m. when he was returning back after delivering milk in the dairy of Murkute, accused Ravindra

Vitthal Unde met him and told that Gut No.256/1 is purchased by his brother-in-law and informant should give possession of the said land to him. Informant refused to give possession of said land as he had given advance for that land. He then threatened informant and left. At about 10:00 p.m. he heard noise of his labour. When informant came out of the house, he saw that room and kitchen of his labour was burning. He also saw Ravindra Unde and Pramod Kakasaheb Shinde near his room. Ravindra Unde was pouring diesel from the bottle in his hand on informant's bed and Pramod Shinde by igniting matchstick in his hands, was trying to set the bed on fire. Informant tried to catch them, but they ran away. Vitthal Jagannath Unde poured diesel on informant's labour who was sleeping in cattle shed and told Pandurang to burn him, then Pandurang burnt his blanket with a torch in his hand. They also tried to burn green shed net in the cattle shed.

3. Heard learned senior advocate for applicant in Anticipatory Bail Application No.331/2024, learned advocate for applicants in Anticipatory Bail Application No.346/2024 and learned APP for respondents/State. Perused the investigation papers.

4. It is the case of applicants that civil dispute is going on between applicants and informant. Regular Civil Suit No.1107/2023 is filed by informant Arun Ashok Garad and others against Kakasaheb Abasaheb Shinde, Shnehalata Kakasaheb Shinde and

Pramod Kakasaheb Shinde for permanent injunction in respect of land Gut Nos.255, 254/2 and 253. Informant has also filed Special Civil Suit No.57/2023 against Kakasaheb Abasaheb Shinde for specific performance and permanent injunction in respect of land Gut Nos.256/1, 256/2. Kakasaheb Abasaheb Shinde (father of applicant Pramod Shinde) has lodged FIR against cousin of informant namely Swapnil Dnyandev Garad, registered at C.R. No.913/2023, with Newasa Police Station, for offence punishable under Sections 385, 500, 504 and 506 of I.P.C. Father of applicant Pramod Shinde has also lodged FIR against Swapnil Dnyandev Garad at C.R. No.1094/2023, for offence punishable under Section 379 of I.P.C. alleging that cotton crop sown by him in Gut No.254/2 was stolen by Swapnil Garad. Applicant Ravindra Unde has lodged FIR on 12/10/2023 at Newasa Police Station against Swapnil Dnyandev Garad, at C.R. No.996/2023, for offence punishable under Sections 384, 387, 504 and 506 of I.P.C.

5. There appears chequered history of civil litigation between informant and applicants and their family members. Applicant's father has also lodged FIR against informant's cousin. Considering the same, there appears substance in contention of applicants that they are falsely implicated in present crime.

6. From perusal of FIR and investigation papers, nothing is to be recovered from applicants and hence, their pre-trial custodial

detention is not necessary in the facts of present case. Investigating officer has expressed apprehension that applicants may indulge in similar offences if they are released on bail. That can be taken care of by imposing suitable condition. Applicants have no criminal antecedents, therefore, they are entitled for protection.

7. In the result, both applications are allowed by confirming interim protection granted to applicants by orders dated 26/02/2024 and 29/02/2024.

8. For a period of two months, applicants shall attend concerned police station on every Sunday, between 10:00 a.m. to 12:00 p.m. and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)