

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

ANTICIPATORY BAIL APPLICATION NO. 1751 OF 2024

Sujit Laxman Kokare	...Applicant
Versus	
State OF Maharashtra	...Respondent

Mr. Ajit V. Alange, Advocate for the Applicant.

Mrs. Rajeshree Newton, APP for the Respondent – State.

HC Mr. Jagdish Hulle, Faujdar Chawdi Police Station, Present.

CORAM : N. J. JAMADAR, J.

DATE : 22nd JULY 2024.

PC.:

1. Heard the learned Counsel for the applicant and the learned APP for Respondent-State.
2. This application is preferred for pre-arrest bail in connection with C.R. No.429 of 2023, registered with Faujdar Chawadi Police Station, Solapur, for the offences punishable under Sections 354, 327, 452, 341, 143, 147 and 148 of the Indian Penal Code, 1860 (The Penal Code”).
3. The gravamen of indictment against the applicant and the co-accused is that the co-accused, Ambadas Jadhav and Hari Jadhav, who are the cousins of the first informant, with the assistance of the applicant had forcibly evicted the first informant and her mother from their house situated at Room No.64, Goldfinch Peth, Solapur. In respect

of the said property, a Civil Suit being Special Civil Suit No.2 of 2014 for partition was subjudice. On 30th July 2022, the applicant and co-accused had allegedly committed criminal trespass, used criminal force, outraged modesty of the first informant, and forcibly evicted them from the said house and put a lock thereon.

4. The FIR about the said occurrence came to be lodged on 4th August 2023 i.e., almost one year after the alleged occurrence.

5. It appears that initially by an order dated 12th July 2023, the learned Additional Sessions Judge, Solapur had granted interim bail. The said order of interim bail was vacated and the application came to be dismissed as the applicant did not appear before the Investigating Officer and committed breach of the condition of attendance subject to which interim bail was granted.

6. The applicant preferred second application for pre-arrest bail asserting, *inter alia*, that in the meanwhile two more crimes were registered against the applicant and, therefore, the applicant did not appear before the Investigating Officer. The said application was also rejected by an order dated 27th February 2024.

7. The learned Counsel for the applicant submitted that the other co-accused namely, Arjun Sidram Salgar, whose application was also

rejected by the learned Additional Sessions Judge, Solapur, was granted interim protection by this Court by an order dated 31st August 2023 with liberty to file a fresh application for pre-arrest bail before the Court of Session and, subsequently, Arjun Salgar has been granted pre-arrest bail. It was further submitted that a civil dispute between the first informant and her cousins is the genesis of the alleged offences. There is an inordinate delay in lodging the FIR.

8. The learned APP resisted the prayer for pre-arrest bail. It was submitted that the applicant has not appeared before the Investigating Officer though the interim bail was granted. As, from the own showing of the applicant, two more crimes have been registered against the applicant, he does not deserve to be enlarged on pre-arrest bail.

9. I have perused the allegations in the FIR. There is an inordinate delay of almost one year in lodging the FIR. Evidently, the genesis of the alleged offences is in a dispute between the first informant and her cousins, over proprietary and possessory title to the room from which the first informant and her mother were allegedly evicted. The role attributed to the applicant is that of being an associate of Ambadas Jadhav and Hari Jadhav, the cousins of the first informant.

10. In the backdrop of the aforesaid nature of the accusation and

especially having regard to the huge delay in lodging the FIR, the custodial interrogation of the applicant is not at all warranted.

11. It is true the applicant committed breach of the condition to appear before the Investigating Officer. However, having regard to the nature of accusation, the said factor is not sufficient to deprive the applicant of his personal liberty. I am, therefore, inclined to allow the application. Hence, the following Order:-

ORDER

- (i) Application stands allowed;
- (ii) In the event of arrest of the applicant in connection with C.R. No. 429 of 2023, registered with Faujdar Chawadi Police Station, Solapur, for the offences punishable under Sections 354, 327, 452, 341, 143, 147 and 148 of the Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall co-operate with the investigation and attend Faujdar Chawadi police station, on 30th and 31st July, 2024 between 10.00 am to 1.00 pm. and thereafter as and when directed.
- (iv) The applicant shall not tamper with the prosecution

evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(v) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

(vi) The application stands disposed.

(N. J. JAMADAR, J.)