



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

APPEAL NO. 1000 OF 2023

SAMPAT GANPAT LEKAWALE ..APPELLANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Nitin P. Deshpande, for Appellant.
Mr. Sangharsh Apte a/w Mr. Dinesh R. Sonawane, for
Respondent No.2.
Ms. S. D.Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 10, 2024

P.C. :

1. Heard learned counsel for the appellant and learned counsel for the respondent no.2. The trial Court while allowing the application for pre-arrest bail has imposed An erroneous condition that the disputed wall which is constructed by the appellant, reference of which will find place in clause (2) of operative portion of trial Court's order dated 26/04/2023. He submits that such a condition could not have been imposed in the course of deciding the anticipatory bail application. Learned counsel for the respondent no.2 informed that the wall in question has already been removed and the appellant may take

disadvantage of this order. It is made clear that by this order, I am not deciding the rights and contentions of either of the parties. This order is passed for a limited purpose, that such a direction as contained in clause (2) of the operative portion of trial Court's order could not be imposed in the course of deciding the anticipatory bail application. I am informed that civil proceedings are pending between the parties. It is open for the parties to agitate their grievance in the civil proceedings or appropriate proceedings which shall be decided on its own merits in accordance with law without being influenced by any observations made in this order.

2. The appeal is accordingly allowed.

3. Condition no.(2) of the operative portion of the order of the trial Court dated 26/04/2023 is quashed and set aside.

(M. S. KARNIK, J.)