



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

957 ANTICIPATORY BAIL APPLICATION NO. 1824 OF 2024

1. Prakash @ Bhaiyalal Babulal Ahire/Nand,
2. Balram Bhaiyalal Ahire/Nand

VERSUS

The State Of Maharashtra

...
Advocate for Applicant: Ms. Yashshree Patwardhan h/f Ms. Rashmi
Kulkarni

APP for Respondents-State: Mr. A.A.A.Khan

...

CORAM : ARUN R. PEDNEKER, J.

Dated : March 13, 2025.

PER COURT :-

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.876/2024, registered at Sadar Bazar Police Station, Jalna, District Jalna, for the offences punishable under sections 318(4), 336(3), 314(2) r.w.3(5) of Bharatiya Nyaya Sanhita.

3. This Court, by order dated 23/10/2024, granted interim protection to the applicant, *prima facie* noting the submissions in paragraphs 3, 4, and 5 as under : -

“3. Learned counsel for applicants has drawn attention of the Court to the document placed on record, which indicates that, in respect of CTS 1997/A, which is a private property, a Gift Deed has executed by applicant No.1 in favour of applicant No.2. She further submits that, adjoining property, which is a forest land as well as other land, wherein temples are situated, have nothing to do with CTS No.1997/A. She also

drew attention of the Court to the letter, dated 27/08/2024, addressed by parents of informant to the Superintendent of Police, Jalna, indicating that their son has been influenced by the person interested in lodging report against present applicants. According to her, there was interim relief granted by the Sessions Court and this order was continued till dismissal of bail application on 18/10/2024.

4. Learned APP drew attention of the Court to the fact that interim relief was granted, as applicants have not pointed out that 12 criminal cases were registered against them. At this stage, there is nothing on record to indicate the nature of said offences. Learned counsel for applicant makes a solemn statement that, out of 7 offences, in 3 offences, applicants have been acquitted and 5 other offences, which are alleged to have been committed by applicants, they are not arrayed accused in the same. Having regard to the aforesaid facts, liberty of these applicants is protected, till the prosecution is heard in the matter....”

4. Considering that a gift deed was executed by applicant No.1 in favour of his son, applicant No.2. The land mentioned in the gift deed is forest land, there are no losses caused to any private person in the event the land is transferred without title. The alleged transfer will take no effect and not binding upon the State.

5. Considering this aspect of the matter, the interim protection granted by order dated 23/10/2024 stands confirmed.

6. In view of the above, the application is allowed in the following terms : -

i] In the event the applicants are arrested in connection with

FIR No.876/2024, registered at Sadar Bazar Police Station, Jalna, District Jalna, for the offences punishable under sections 318(4), 336(3), 314(2) r.w.3(5) of Bharatiya Nyaya Sanhita, they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when called by the police.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicants violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.