



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
909 ANTICIPATORY BAIL APPLICATION NO. 2138 OF 2023

Ishwar Tukaram Pradhan & anotherApplicants

VERSUS

The State of Maharashtra & anotherRespondents

Mr. D. R. Kale Patil, Advocate for Applicants.
Mr. B. A. Shinde, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 24th JANUARY, 2025.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0989/2023 registered with MIDC Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 447, 427 read with Section 34 of Indian Penal Code and Section 3 of the Public Property Damage Act.

2. Gist of the First Information Report is that on 28.10.2023, co-accused came to the spot of the incident with two JCBs and construction belonging to CIDCO was demolished. It is alleged that thereby loss is caused to the public property.

3. Learned counsel for the applicants submits that applicants were not present at the spot. He drew attention of the Court to the order passed on 30.04.2024 in Anticipatory Bail Application No. 8/2024 granting pre-arrest bail to the co-accused Santosh who was admittedly present at the post and is stated to have caused damage to the property. It is his submission that in such circumstances, there was no reason to refuse relief to the applicants.

4. Learned APP sought to draw attention of the Court to the disputes between the parties. He, however, could not point out that the applicants were present at the spot.

5. Once the person who was present at the spot and there is allegation against him of causing damage to public property is enlarged on bail, there would be no justification for denying relief to the applicants on the ground of parity. Hence, application is allowed in terms of interim order.

6. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge

dyb