

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****ANTICIPATORY BAIL APPLICATION NO. 946 OF 2025****SUNIL LAXMAN MEDHANE & ANR.****..... APPLICANTS****VERSUS****STATE OF MAHARASHTRA & ANR.****..... RESPONDENTS**

Mr. Sanjay P. Shinde a/w. Mr. Prathmesh T. Bhanuwanshe for the Applicants.

Ms. Pallavi N. Dabholkar, A.P.P. for the State.

Mr. Harshad M. Inamdar for the Respondent No.2.

CORAM : RAJESH S. PATIL, J.**DATE : 23rd APRIL, 2025****P.C. :-**

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 91/2025 dated 26th March, 2025 registered with Pimpalgaon (B) Police Station, Pimpalgaon (B), Tq. Niphad, District Nashik for the offences punishable under Sections 329(3), 119(1), 115(2), 252, 351(2), 303(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Based on the complaint, an FIR has been lodged. The role of the present applicants is mentioned in the said FIR.

3. Mr. Inamdar, the learned counsel appearing for the respondent no.2 submits that there is registered sale deed with regard to the

subject flat. In the said sale deed, there is a specific reference that the possession of the subject land has been handed over to the first informant. In the civil suit, though Exhibit-5 was rejected, but in the separate application filed thereafter, the Civil Judge, Senior Division passed an order not to create third party rights in favour of the first informant and against the present applicants.

4. After hearing the parties and after going through the documents on record, and the order passed in the Civil suit filed by the first informant against the applicants, it has come to my knowledge that in the civil suit filed by the first informant against the present applicants there is no prayer made against the present applicant – the accused that they should not disturb the possession of the first informant. This fact with the background that the present applicants has come up with a case that they are the owners of the subject land and are also in possession of the said land, will have some bearing in the present proceedings. The allegations against the present applicants in the complaint is that they have broken the fence erected by cement polls by the first informant. The case of the first informant is that they are the owners of the property in question. There is a civil dispute pending between the parties. The suit being filed by the first

informant wherein there is no *ad-interim* or interim relief granted against the present applicants in form of injunction not to disturb the possession of the first informant.

5. Considering the fact that the applicants are the owners of the property in question, the dispute with regard to the first informant purchasing the subject land from the present applicants is pending before the Civil Court.

6. According to me, the custody of the present applicants will not be necessary. The pre-arrest bail application was filed by the seven accused persons. The co-accused are protected and the pre-arrest bail applicant of the accused nos. 3 to 7 are allowed. Only the pre-arrest bail application of the accused nos. 1 and 2, who are the applicant nos. 1 and 2 therein was rejected. The only ground for rejection of pre-arrest bail by the Sessions Court of the applicant nos. 1 and 2 was that the accused no.2 had threatened the first informant. As far as the accused no.1 is concerned, no ground is made by the Sessions Court for rejecting his application. The Sessions Court in its order has recorded that the dead person's name has been included in the FIR, as a person in crime.

7. In my view, this is enough for me to protect the present

applicants. The present anticipatory bail application is allowed.

Hence, the following order :-

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with Crime No. 91/2025 dated 26th March, 2025 registered with Pimpalgaon (B) Police Station, Pimpalgaon (B), Tq. Niphad, District Nashik for the offences punishable under Sections 329(3), 119(1), 115(2), 252, 351(2), 303(2) of the Bharatiya Nyaya Sanhita, 2023, the applicants shall be released on bail, on furnishing PR. bonds to the extent of Rs.30,000/- each with one or more sureties of the like amount.

(c) The applicants shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station on 28st April 2025 and 29th April 2025 between 11:00 a.m. to 1:00 p.m. and thereafter as and when called.

(d) The applicants should not directly or indirectly contact the first informant in any form whatsoever.

(e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and further, the applicants shall not tamper with the evidence in any manner whatsoever.

(f) The applicants shall furnish details of his residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

8. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application, and that the trial Court shall proceed further, without being influenced by the observations made in this order.

9. **The anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]