



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 152 OF 2025

Janardhan Haribhau Hend (Patil) and another Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.S. Mardikar, Senior Counsel with Mr. D.P. Singh, counsel for applicants.
Ms. H.N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/04/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.47/2025 registered with Police Station, Khamgaon, District Buldhana for the offence punishable under Sections 447, 427, 379, 295 and 295-A read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of bail in the event of their arrest.

2. Heard Mr. A.S. Mardikar, learned Senior counsel for the applicants, who submitted that crime is registered on the basis of the directions given by the Judicial Magistrate First Class, Khamgaon, under Sections 156 (3) of the Code of Criminal Procedure. The crime is registered against the present applicants on an allegation that the complainant is the owner of survey No. 10 and there were around 4 to 5 Neem Trees on the land belonging to the complainant. It was alleged by him that the applicants, along with other accused persons, without

taking his permission, cut the trees and sold it for their personal benefit. On the basis of the said report, police have registered the crime.

3. Learned Senior Counsel submitted that, as far as the custodial interrogation of the present applicant is concerned, which is not required. Out of the land dispute between the informant and the present applicant, this false report is lodged. Investigation is practically completed, further incarceration of the present applicant is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the informant is the owner of the said land, no permission is obtained by the present applicant by cutting the trees. Thus, custodial interrogation of the present applicant is required, and prayed for rejection of the application.

5. On hearing of both sides and perusal of the investigation papers, it reveals that dispute is on account of the cutting of the trees from the land Survey No. 10. As far as the custodial interrogation is concerned, which is not required, the applicant is already directed to attend the concerned police as and when required for the investigation papers. In view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

- a] The criminal application is **allowed**.
 - b] The interim protection granted to the present applicant by order dated 06/03/2025 is confirmed on condition that, he shall attend the concerned police station as and when required till filling of the charge-sheet.
 - c] The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.
 - d] The applicants shall not leave the jurisdiction of Khamgaon without prior permission of the Judicial Magistrate, First Class Khamgaon.
6. The criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]