IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1588 OF 2024

Yogesh Punjahari Tupe
VERSUS
The State Of Maharashtra

Mr. A. B. Kale a/w Mr. A. E. Madne h/f Mr. S. A. Kale, Advocate for applicant
Ms. P. J. Bharad, APP for respondent-State

CORAM : R. M. JOSHI, J.
DATE : 12th OCTOBER, 2026

PER COURT :-

1. None appears for informant. On the last date of hearing, accommodation was granted. This application is of year 2024. Since learned Counsel for informant was absent, proceeded in absence of him.

2. Applicant seeks pre-arrest bail in connection with Crime No. 437 of 2024 registered with Cantonment/Chavani Police Station, Dist. Aurangabad, for the offences punishable under Sections 420, 468, 471 of the Indian Penal Code.

3. First Information Report indicates that it is a case of informant that his father and others form Co-operating Housing Society in the year, 1993. He claims that Plot No. 72 came to be alleged to his father. Afterwards, they received phone calls for sale of the said plot. On

18.03.2024 when informant went to the spot, he found that a board was displayed therein in the name of "Nath Builder". He removed the said board. Again on 05.04.2024, board displayed by the informant on the said plot was seems to have been removed and in that place name of the builder was again displayed. There is allegation that the present applicant is compelling the informant to sale the plot at lowest price.

4. Learned Counsel for applicant submits that in respect of the said plot, civil suit is pending bearing R.C.S. No. 416 of 2024 before Civil Judge Senior Division, Aurangabad. According to him, applicant had received notice pursuant to the complaint lodged by informant and it was found by the concerned police that this is a civil dispute. It is submitted that having regard to the nature of allegations against him, custodial interrogation of the applicant is not necessary.

5. Learned APP opposed grant of any protection to the applicant by referring to the allegations against him in the First Information Report. He drew attention of the Court to police papers indicating that informant/his father is the owner of the plot in question which is *prima facie* established on the basis of documents on record.

6. Perusal of the First Information Report indicates that there is allegation against applicant that to prejudice the said plot at lesser price

than the market value. However, there is further document to indicate that a civil suit came to be filed by the applicant against informant wherein issue of ownership and prosecution of plot is in question. Apart from this, there is *prima facie* material on record to indicate that the concerned police arrived at *prima facie* conclusion that this is a civil dispute. In any case considering the allegations in the First Information Report, custodial interrogation of the applicant is not necessary. The issue with regard to the ownership, title is prejudiced before the competent civil Court.

7. Liberty of the applicant was protected by order dated 08.10.2024, and there is nothing on record to show that applicant has misused his liberty. This Court finds no justification not to confirm interim relief.

8. Application stands allowed in terms of interim order dated 08.10.2024.

(R. M. JOSHI, J.)

B. S. Joshi