

Common Order below Exh.1 and 4 in Cri. Bail Application
No.246/2022
[Shailesh Jayesh Pawar V/S State]

The present application is moved by the application Shailesh Jayesh Pawar for anticipatory bail under section 438 of CR.P.C in connection with CR No. 29/2022 registered with Dindori Police station for the offence punishable under section 451, 447, 448, 427, 506 r/w 34 of the IPC.

2. Perused the record. Heard, learned counsel Shri. Nikam for the applicant. The FIR disclosed that the first information Saurabh Sanjay Deshmukh has lodged the FIR against the applicant and other accused. It is stated in the FIR that he is running a business by name Sai stone crusher and for the purpose of same he has obtained 2 acre land situated in Gat No. 162/2 at Ramshej Shivar, Dindori on 13/06/2020 for 10 years on leave and license. However, inspite of a written agreement the applicant accused and other accused entered into the said property illegally and were removing the stone crusher machine and other machine on the allegation that first informant failed to pay license fees.

2. The police have applied Section 451, 447, 448, 427, 506 r/w.34 of the IPC to the present crime the learned counsel Shri. Nikam submitted that second part of section 451 of the IPC is attracted and therefore as per first shedule to CR.P.C the said offence is non-bailable. However, from the allegation set out in the FIR offence under section 451 with intention to commit theft is not made out. There is a dispute regarding the agreement mentioned in the FIR. The learned counsel Shri. Nikam submitted that the Civil

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Suit is also pending between the parties thus from the above facts and circumstances the offence appears to be bailable and therefore the present application is not maintainable. Hence, following order is passed.

ORDER

1. Anticipatory Bail Application No. 246/2022 is hereby rejected.
2. Inform concerned police station accordingly.

Date : 22.02.2022

(M. A. Shinde)
Additional Sessions Judge-8, Nashik.