

**Order below Exh.1 in Cri. Bail Application No. 323/2022**

- 1) Suresh Kacharu Lokhande
- 2) Yogesg Kacharu Lokhande,
- 3) Vinayak @ Vinod Vishnu @ Vishwanath Malekar,
- 4) Kishor @ Krishna @ Vishnu @ Vishwanath Malekar,
- 5) Somnath Ramlal Watar, .. **Applicants**

Vs.

The State of Maharashtra  
through Police Inspector,  
Dindori Police Station, Dindori.  
(Cr. No.I 70/2022)

.. Prosecution

**Order below Exh.1.**

1. This application has been filed by the applicants/accused under section **439 of Cr.P.C.** for releasing them on **regular bail** in the aforesaid Crime registered at Dindori Police Station, for the offence punishable under section 395, 341, 108, 323, 504, 506 of the IPC.

2. According to the case of Prosecution, the FIR was lodged by the complainant Shashikant Tukaram Bodke on 21.02.2022 alleging therein that the applicants along-with co-accused persons obstructed him when he was going back to his home owing to dispute of land which belongs to Grampanchayat. The accused persons have abused, assaulted and robbed him of his gold ornaments worth

Rs.1,26,000/-. Based on his report, the offence is registered against the applicants and co-accused at Dindori Police Station and the applicants were arrested on 21.02.2022 and since then, they are in Judicial custody.

3. The learned counsel Mr. P.B.Jadhav appearing for the applicants/accused has argued that the applicants are innocent and have not committed any offence. He further submitted that there is political rivalry between the parties and cross-cases are filed by both the parties against each other. When the actual incident took place, the applicants were not present on the spot. They are ready to cooperate with the investigation. Hence, he prayed for grant of anticipatory bail to the applicants/accused.

In support of his contentions, he relied on the cases reported in **Yuvraj Mohansing Pardeshi Vs. The State of Maharashtra**, 2019 CJ(Bom) 436, **Dhanraj Shamrao Gangurde Vs. The State of Maharashtra** decided by Hon'ble Bombay High Court on 04.07.2019 in Bail Application No.741/2019 and prayed for grant of bail to applicants.

4. The Investigating Officer has filed his reply at **Exh.7** and strongly opposed the application stating that the offence is serious in nature and the robbed gold ornaments is yet to be recovered. If applicants are released on bail, they may tamper with evidence and they may again commit the same type of offence. Hence, lastly prayed for rejection of the application.

The Ld. APP Mrs. Jadhav has submitted her arguments in line with the say filed by the investigating Officer vide Exh.8 and

prayed for rejection of the application.

The original complainant appeared and filed his say vide Exh.9 and strongly opposed the application on the ground that the applicants have robbed gold ornaments and the offence is serious in nature and if they are released, they may tamper with evidence and there is every possibility of their pressurizing the witnesses. Hence, lastly prayed for rejection of the application.

5. After hearing both the sides and the complainant and on perusal of record, it appears the dispute is relating to a land which is owned by Grampanchayat. Cases and cross-cases are filed against each other. The other accused are already released on bail. There is no need of any further detention of applicants in such type of offences. I am inclined to release the applicants on bail. Hence, following order.

### Order

1. Application is allowed.
2. Applicants/ accused – Suresh Kacharu Lokhande, Yogesh Kacharu Lokhande, Vinayak @ Vinod Vishnu @ Vishwanath Malekar, Kishor @ Krishna @ Vishnu @ Vishwanath Malekar and Somnath Ramlal Watar shall be released on **regular bail** on furnishing their P.R.bond of Rs.20,000/- each with one or more sureties in the like amount.

They shall -

- (a) not act in manner injurious to the interest of the prosecution.
- (b) maintain law and order.

(c) furnish the address of their residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicants/accused commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

**( Smt. S.S. Nair )**

Date : 22.03.2022.

Addl. Sessions Judge-4, Nashik.