

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1343 OF 2014

Deepak Rupchand Jamdar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Ritesh Thobde, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 20, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 211 of 2014 registered at Vijapur Naka Police Station for
offence punishable under Section 447, 448, 461, 470, 420 read with
Section 34 of the Indian Penal Code.

3 It prima facie appears from the recitals of the FIR that the complainant had purchased a plot of land bearing Survey No. 216 situated at Swami Vivekanand Nagar, Part II, Solapur from the mother of the present applicant. According to the complainant, initially Plot No. 216C was allotted to the complainant. The transaction is not by way of any registered sale deed. Subsequently, there was a correction deed and plot No. 26 was allotted to the complainant admeasuring 209.10 sq.mtrs. It appears from the papers of investigation that the mother of the applicant was ailing and therefore, the said transactions were being dealt with by the son i.e. the present applicant. The complainant has alleged that he had paid Rs. 1,50,000/- at the time of correction deed. The correction deed is dated 17th May, 2014. According to the complainant, mother of the present applicant had cheated the complainant by giving a different plot and thereafter, a board was posted on the said plot showing the ownership of the complainant. According to the complainant on 7/8/2014 present applicant had broke open the lock of the shed erected by the complainant and had committed criminal trespass. He

had drawn the electricity connection from the shed of the complainant.

4 Prima facie it appears that the dispute between the parties is of civil nature. The complainant has blown the incidence out of proportion. The learned Counsel rightly submits that in the given circumstances, custodial interrogation would not be imperative.

5 In view of the above, the applicant deserves grant of pre-arrest bail.

6 The observations made hereinabove are prima facie in nature. The same shall not be considered while deciding application for quashing of FIR or for discharge or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 211/2014, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall report to the police station as and when called and cooperate with the investigating agency to the best of his capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)