

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 973 OF 2015

Bhavesht Prabhudas BhindeApplicant
V/s.
The State of MaharashtraRespondent

WITH
CRIMINAL APPLICATION NO. 591 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 973 OF 2015

Jayesh C. MiraniIntervener

IN THE MATTER BETWEEN

Bhavesht Prabhudas BhindeApplicant
V/s.
The State of MaharashtraRespondent

Mr. Sujit Shelar a/w Mr. Amul Jawale i/b Mr. Arackal Paulose
Advocate for Applicant
Ms. Rutuja Ambekar APP for the State.
Mr. Jayesh Wani for Intervener
Mr. S. Jagtap, A.S.I. Mulund Police Station, Mumbai.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : AUGUST 13, 2015.

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 210 of 2015 registered at Mulund Police Station for offence punishable under

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sections 454 and 380 of Indian Penal Code.

2) It is the case of prosecution that on 11/05/2015, one Vishnu Gaikwad who is an employee of Shri. Jayesh Mirani lodged a report at the police station that on 11/05/2015, in the afternoon present applicant had broke open the lock of room nos. 9, 10 & 11 of Baithi Chawl and had put his own lock on the said room. It is also alleged that applicant had broke open the old lock put up by his employer. It is alleged that applicant had opened the cupboard and had taken two computers and other articles from the said room. On the basis of his report, applicant is being prosecuted under section 454, 380 of Indian Penal Code.

3) It prima facie appears that there is a dispute between employer of the complainant and the applicant over the title and possession of room nos. 9, 10 & 11 of the said Baithi Chawl.

4) Learned counsel for the applicant submits that complainant has instructed his employee to lodge this report against applicant, only to seek personal vendetta or to coerce him to arrive at a settlement. However, these are disputed facts. Applicant has been granted anticipatory bail in crime no. 156 of 2015. In view of this, applicant deserves pre-arrest bail.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to concerned police station on every Sunday between 10.30 a.m. to 01.00 p.m. till the filing of the charge-sheet and co-operate with investigating agency to the best of his capacity.
- (iv) Intervention application is heard, allowed and disposed of.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)