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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 990 OF 2016

Shri Dwarkadas lakhomal Wadhwa & Ors. .. Applicants
Vs.
The State of Maharashtra & Anr. .. Respondents

Mr. G. K. Gole for the Applicant.
Mrs. Rutuja Ambekar, APP for the State.
Mr. Sushrut Jadhwar for the Intervener.

CORAM : N. W. SAMBRE, J.
DATE : 30th NOVEMBER, 2016.

P. C. :

1. This application is filed by the applicants seeking anticipatory bail in Crime No. I-160 of 2016 registered with Ambarnath Police Station for the offences punishable under Sections 143, 147, 148, 149, 352, 351, 447, 448, 452, 504, 506 of the Indian Penal Code and 37(1)(3), 135 of the Bombay Police Act.

2. The complainant claims that her husband Shivnath is owner of property No. 080600365 (old No.1871), plot No. 1871 in Ward No.8 in Ambarnath Municipal area which was sought to be demolished by the applicants who are builders and developers without following due procedure of law.

3. It is further claimed that the applicants on 10.05.2016 along with JCB machine, its operator and his other employees like Manager,

Engineer, Watchman tried to assault the complainant and used abusive language resulting into the crime in question.

4. In this background, learned counsel for the applicants while trying to make out a case for grant of bail would urge that the applicants have not touched or will not touch the structure of the complainant with the above referred details. According to him, what has been tried to be removed is structure including a stable of one Uma Rajendraprasad Bahelia, who happened to be a sister of the applicants. After she parted with her right in the property bearing Survey No.12/3 which was adjoining to the plot of present applicants admeasuring 72ft x 26ft = 1872ft which consists of Tabela and rooms. According to him, taking undue advantage of relationship between the applicants and said Uma, the applicants have took over possession of the said stable and as such tried to resist the development activities. According to him, the case as against the applicants is frivolous and with a intent to twist their arm to extort money.

5. Per contra, the learned APP, from the record has tried to demonstrate that the applicants have criminal antecedents and would like to invite attention of this Court with the details as are provided in the affidavit. It is then claimed that the applicants', prima facie, involvement could be inferred from the fact that the applicants have tried to mislead this Court by placing on record incorrect photographs. According to her, the custodial interrogation is necessary. The APP was assisted by the learned

counsel for the complainant.

6. Having regard to the submissions made, it is to be noted that the ownership of the applicants on the property mentioned supra is not in dispute or/and also of the complainant on respective property.

7. What could be inferred from the record is that there is cognizable offence disclosed against the applicants as reflected in the contents of the FIR, which are confirmed by the Investigating Officer.

8. It is also not in dispute that the applicants are carrying development activities in and around the area of plot owned by the husband of the complainant and it is out of the said activities the differences between the applicants and the complainant has brought up.

9. The applicants along with co-employees are specifically named as regards the participation in the crime in question. There are criminal antecedents.

10. In view thereof, in my opinion no case is made out. The Anticipatory Bail Application is rejected.

11. Interim relief as prayed to continue for a period of three weeks.

[N. W. SAMBRE, J.]