

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1032 OF 2015

Vijay Venkat Dabhade

..Applicant.

vs.

State of Maharashtra.

..Respondent.

Mr. Niles Tribhuvan for the Applicant.

Smt. P.P. Shinde, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 06th January, 2016

P.C.

The applicant is apprehending arrest in Cr No.204-2014 registered with APMC Police Station, Navi Mumbai under Section 380 of the I.P.C.

2) The complainant Rama Sukumar Dey has lodged the first information report dated 30.10.2014 stating that in the year 1988 she purchased room No.2, B-29 Sector 26, Koprigaon, Navi Mumbai from Mr. Kalbihari for consideration of Rs,3,40,000/-. She also possessed the original documents pertaining to the said transaction. In the year 2007 she went to her native place at Calcutta. She has stated that since June, 2014 the applicant was trying to dispossess the complainant from the said room. The complainant returned from Calcutta on 10.10.2014. On 21.10.2014, altercations took place which ensued in the scuffle, wherein the leg of the complainant was fractured and therefore, she went to reside with Mr. Chintaman Pawar. The complainant has further stated that while leaving the said room she had kept one red colour bag containing her

clothes and ornaments amounting to Rs.97,000/- in the said premises. When the complainant went to collect the said bag on 30.10.2014 she noticed that her bag was missing from the room. She was informed by Chintaman Pawar that her said bag was stolen by the applicant. She was further informed by the neighbours that the said red bag was taken by the applicant. In the premise, she lodged the first information report.

The learned counsel for the applicant contended that there is dispute between the applicant and the complainant over the said room and therefore, the present CR has been registered and he has been falsely implicated in the said crime. Learned APP on instructions submitted that the stolen property is to be recovered at the instance of the applicant. She further submitted that the applicant is having antecedents at his discredit. She pointed out the order dated 16.7.2015 wherein the learned Trial Court has observed the said aspect and after taking into consideration these facts the trial court was pleased to reject the application of the applicant.

3) I have perused the documents annexed to the application. The complainant in unequivocal terms has specifically alleged that the red colour bag containing clothes and ornaments which was kept in her room was stolen by the applicant. The witnesses have also stated about the said fact. It appears that the applicant is having antecedents at his discredit. After taking into consideration the serious allegations against the applicant and the gravity of the offence, I am not inclined to exercise the discretionary jurisdiction granting pre-arrest bail to the applicant. The application being sans of merits, is dismissed accordingly.

(A.S. GADKARI, J.)