

Anand

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

ANTICIPATORY BAIL APPLICATION NO.753 OF 2017

1. Pradip Tukaram Bhalekar .Applicants
2. Prabhakar Tukaram Bhalekar
3. Manjusha Rajendra More
4. Chabubai Tukaram Bhalekar

Vs.

The State of Maharashtra .Respondent

Mr.P.M.Patil, Advocate, for the Applicants
Mr.Rajan Salvi, APP, for the Respondent – State
Mr.R.G.Shinde, Advocate, for the Respondent No.2/Complainant

CORAM : REVATI MOHITE DERE, J.

DATE : 13.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.77 of 2016 registered with the Talegaon MIDC Police Station, District – Pune, for the alleged offences punishable under Sections 447, 379, 427 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicants submits that a cross case has been lodged by the Applicants against Sheshadri

Venkatchalam, Rammurti Kumar & Virendra Sitaram Gharat & others. He submits that the land i.e. Gat No.422 belongs to the Applicants and not to Sheshadri Venkatchalam, Rammurti Kumar & Virendra Sitaram Gharat, as has been alleged by the Complainant, in the FIR. He further submits that the Applicants have filed a private complaint in the Court of the learned JMFC, Vadgaon, Maval, District - Pune, as against Santkumar Hotachand Kruplani, Chetan Kherajmal Agicha, Virenda Sitaram Gharat, Mukund Chandrakant Kulkarni & S.V.Venkatchalam alleging the offences punishable under Sections 406, 420, 423, 424, 467, 468, 471, 120B r/w. 34 of the Indian Penal Code. He submits that the learned JMFC has issued process, as against the said five persons vide Order dated 30.03.2016. He submits that there are Civil disputes pending between the parties. He submits that the Applicants have attended the concerned police station as directed by this Court.

4. Learned APP opposes the Application. Learned counsel for the Respondent No.2 supports the learned APP.

5. Perused the papers. The Complainant is the Facility Manager of the Tolani Maritime Institute. According to the

Complainant, the said land i.e. Gat No.422 is owned by Sheshadri Venkatchalam, Rammurti Kumar & Virendra Sitaram Gharat and that the said persons have given Power of Attorney to the Complainant. The Complainant has further alleged that on 19.10.2016 at about 10.00, the Applicants alongwith others, illegally entered Gat No.422, dug the land with the help of JCB and a tractor and committed theft of building material, tiles etc. worth about Rs.15,000/-. He has alleged that when the said Applicants were stopped, they threatened the Complainant and abused the employees of the institute.

6. It appears that there is a dispute with regard to the ownership of Gat No.422. According to the Applicants, they are the owners of the said land. It also appears that the Applicants have filed a private complaint in the Court of the learned JMFC, Vadgaon, Maval, District - Pune as against Sheshadri Venkatchalam, Rammurti Kumar & Virendra Sitaram Gharat and two others, and the learned JMFC has issued process as against them, for the offences punishable under Sections 406, 420, 423, 424, 467, 468, 471, 120B r/w. 34 of the Indian Penal Code. It also appears that there are Civil disputes pending between the parties. In the facts, custodial interrogation of the

Applicants is not necessary.

7. Accordingly, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)