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

ANTICIPATORY BAIL APPLICATION NO. 1772 OF 2016

Sanjay Baliram Kadam & Anr.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

Mr. Abad Ponda a/w Mr. Apoorv Singh for the Applicant.
Ms. Jyoti S. Lohokare, APP for the State.
Mr. S. B. Tawade, PI, Dahisar Police Station present.

CORAM : A.S. GADKARI, J.
DATE : 30th MARCH, 2017.

P. C. :

1. The applicants are granted interim relief by an order dated 13.10.2016.

The FIR is lodged by Shri Shivprasad Shivraj Gupta. It is stated in the said report that the owner of City Survey No. 188 Hissa No. 3, C.T.S. No. 2393 lying and situated at Dahisar, Mumbai along with nine other family members was in possession of the said property. That on 27.05.2016 in the wee hours he noticed that somebody has placed the board of M/s. Shreeji Developers on the said property. He also noticed certain persons were gathered at the said spot. He made inquiry with the said persons. It was informed to him that they were not aware about the erection of the said board. However, as per the contents written on the said board, the complainant realized that the said board was erected at the instance of M/s. Shreeji Developers. The applicants are the partners

of said M/s. Shreeji Developers. In the premise the said FIR is lodged.

2. It appears from the record that the applicants are the partners of the said Shreeji Developers. There is a dispute with respect to the said suit property and the applicants are also claiming ownership over the property. It is the case of the applicants that they are lawful owners of the said property and they had erected the said board having lawful authority to them. The record further reveals that during the course of investigation, the applicants have attended the Investigating Officer and submitted the necessary documents which are necessary for the purpose of investigation. The criminal act as alleged against the applicant is that they have erected a sign board in the suit property and thereby committed criminal trespass.

After taking into consideration the peculiar facts and circumstances of the present case, I am of the opinion that the custodial interrogation of the applicants is not necessary.

3. In view of the above, the applicants have made out a case for pre-arrest bail. The interim relief granted by order dated 13.10.2016 is hereby confirmed.

The application is allowed in the above terms.

[A. S. GADKARI, J.]