

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

ANTICIPATORY BAIL APPLICATION NO. 315 OF 2018

Dinesh Fakirbhai Dhodi

..Applicant

v/s.

The Union Territory of Daman & Diu
& Anr.

..Respondents

Mr. Pawan Mali a/w. Jesal Rathod I/b. Raksha Jain for the Applicant.
Mrs. Purnima Kantharia for the Respondent No.1. for the
Respondent/State.
Mr. S.S.Pednekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : August 30, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.6 of 2018 for the offences under Section 447, 379 of IPC.
2. Heard Mr. Pawan Mali, the learned Counsel for the applicant, Mrs. Kantharia Spl.PP for the Respondent No.1, and Shri Pednekar, the learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective

parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Dhaneshchandra Gulabbhai Desai. The FIR prima facie reveals that the first informant had received an information that some persons had criminally trespassed on his land and were excavating the soil. He went to the said spot and saw that excavation was going on using JCB. The driver of the JCB informed him that the excavation was done at the instance of the applicant herein. On the basis of the said information, he lodged a report against the applicant. It may be mentioned that by Order dated 19th March, 2018 the applicant was granted interim bail which was continued from time to time. In my considered view, the allegations levelled against the applicant do not justify custodial interrogation. Hence the application is allowed on the following terms and condition:-

(i) In the event of arrest of the applicant in Crime No. 6 of 2018 registered with Nani Daman Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount,

to the satisfaction of the Investigation Officer.

(ii) The applicant shall report to the Investigating Officer for four days from Monday 3rd September, 2018, and as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The applicant shall not interfere with the complainant and the other witnesses in any manner.

(iv) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(v) The applicant shall not change his residential address without prior intimidation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)

Prasanna
Pradeep
Salgaonkar

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by Prasanna
Pradeep
Salgaonkar
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