

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 643 OF 2018**

Dilip Manruplal Kothari & Ors.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Mr. Sujit Shelar for the Applicant.

Smt. J.S. Lohokare APP, for the Respondent-State.

Smt. Anita Gavkar for the Intervenor.

CORAM : A. S. GADKARI, J.

DATE : 29th JUNE, 2018.

P.C.:-

By an Order dated 4th April, 2018, the Applicants were granted interim relief and were directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

2 Heard the learned counsel for the Applicant, the learned counsel for the first informant and the learned APP. Perused the record of investigation.

3 The first information report is lodged by Mr. Milind Shetty. It is alleged that, the flat in question has been sold by his brother Navin Shetty to the Applicant without having lawful authority to him.

A Civil Suit No. 342 of 2016 is filed by the mother of Milind and Navin Shetty in the Court of Civil Judge, Junior Division, CBD Belapur, Navi Mumbai and the same is pending for adjudication. It is stated that, the first informant is in possession of the suit premises. It is alleged that, on 25th February, 2018, when the first informant was at home, the Applicants entered into the suit premises and took forcible possession of it.

4 The record indicates that, the Applicant No.1 by executing registered agreement for sale with Navin Shetty on 26th May, 2016 has purchased the said property and he was put into possession of the same. It is the case of the prosecution that, the Applicant No.1 is supposed to pay certain balance amount to the said Navin Shetty and the first informant is having share in the said property. It appears that, there is dispute between Navin Shetty and the informant over the share of the said Suit flat.

5 Perusal of the record discloses that the Applicants in furtherance of the Order dated 4th April, 2018 have attended the Investigating Officer and joined the process of investigation. This Court is of the considered view that, the custodial interrogation of Applicants for further investigation in the present crime is not

necessary.

6 Interim relief granted by Order dated 4th April, 2018, is hereby confirmed. However, the condition to attend the Investigating Officer of the concerned Police Station is waived.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)