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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2363 OF 2018

Jitendra V. Jain

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

**WITH
CRIMINAL APPLICATION NO. 1424 OF 2018
(FOR INTERVENTIONN)
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2363 OF 2018**

Mr. Hrishikesh A. Mundargi i/b Mr. Rohan Hogle for the Applicant
Mr. A. R. Kapadnis APP for the State
Mr. Sanjeev P. Kadam for the Intervener
Mr. Yogendra Pachve, P.I. L.T. Marg Police Station

CORAM : NITIN W. SAMBRE, J.

DATE : 19th NOVEMBER, 2018.

P.C.

In crime no. 252 of 2018 registered at L. T. Marg Police Station for offence punishable under Sections 143, 147, 149, 452, 448, 457, 323 and 37 of the Indian Penal Code, the Applicant is seeking pre-arrest bail.

2 The allegation against the present Applicant is that of dispossessing the

Complainant, lurking trespass.

3 The fact remains that the Applicant has filed a Suit for restoration of the possession in which this Court has passed an order of *status-quo*. So also the Complainant has filed a Suit.

4 The fact remains that during investigation, the Applicant has shown complete disrespect to the Rule of Law by not co-operating the investigating agency.

5 Apart from above, the fact that the Applicant has filed a Suit for restoration of possession speaks of that Applicant was not in possession of the property whereas the Complainant is the owner of the property. As such, at this stage, no case for grant of pre-arrest bail is made out. Application fails, rejected.

6 In view of the disposal of the main Application, Criminal Application no. 1424 of 2018 stands disposed of.

[NITIN W. SAMBRE, J.]