

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

CRIMINAL APPEAL NO. 925 OF 2018

Dr. Ramesh Macchindra Waghmare. ..Appellant.
V/s.
The State of Maharashtra & ors.. ..Respondents.

Mr. Anil Kamble, advocate for appellant.
Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JANUARY 23, 2019.

P. C. :

1 Heard the learned Counsel for the appellant.

2 The appellant herein being aggrieved by the order dated 21/4/2018 passed by the Special Judge, Under S.C. & S.T.(Prevention of Atrocities) Act, Kalyan, thereby confirming the ad-interim anticipatory bail granted in favour of the respondent, has filed present appeal.

3 Upon perusal of the FIR, it prima facie appears that the appellant was running his hospital in the premises owned by the respondent herein. That the premises was leased out in favour of the appellant by the respondent due to mutual cordial relations. The said building had become an obstruction for the purpose of road widening and therefore, Kalyan Dombivali Municipal Corporation had issued notice to the appellant. The appellant had not removed the obstruction voluntarily and therefore, the project of road widening was affected

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thereby causing inconvenience to the commuters of the said road. Finally, Municipal Corporation has to take police protection and remove the affected portion of the building. The complainant i.e. the present appellant suspected that it was at the behest and instance of the respondent that the officers of the Municipal Corporation under the garb of official administrative work had deprived him of his possession in the said building.

4 In fact, the said building was owned by the respondent and it would be the respondent who would be affected by the demolition of the part of the building. It is also evident that the premises in the possession of the appellant were not singled out but several houses in the said road were demolished by Kalyan Dombivali Municipal Corporation by taking the police protection for the purpose of widening of the road.

5 After considering the papers of investigation and the factual aspects of the matter, the learned Special Court had rightly granted ad-interim protection and thereby confirmed the same by an order dated 21/4/18. The findings recorded by the learned Sessions Judge call for no interference. It is in these circumstances that the appeal deserves to be dismissed in limine. The appeal accordingly stands dismissed.

[SMT. SADHANA S. JADHAV, J.]