

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 973 OF 2021

Ravindra Barku Jadhav ...Applicant

Versus

The State of Maharashtra ...Respondent

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Advocate for the Applicant : Mr. Shaikh Mazhar A. Jahagirdar

APP for the Respondent – State : Mr. S. B. Narwade

Advocate for informant to assist APP : Mr. D. A. Madake

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CORAM : PRAKASH D. NAIK, J.

DATE : 8th OCTOBER, 2021

PER COURT :-

1. This is an application for anticipatory bail in C.R. No.431/2021 registered with the Shrirampur City Police Station District Ahmednagar for the offences under Section 457, 354, 380, 504, 506 of the IPC.

2. The grievance of the complainant is that she was in possession of the subject premises, which is borne out by the record. The premises were allotted to her. On 18.06.2021 it was noticed that the lock was broke open and new lock put up by the applicant. The articles lying in the premises was stolen. Hence, the First Information Report (for short "FIR") was

registered for the offences under Section 457, 380, 354 IPC. The applicant has also involved in outraging the modesty of the complainant.

3. The applicant had preferred an application for anticipatory bail before the Sessions Court which has been rejected by order dated 31.7.2021.

4. Learned counsel for the applicant submitted that the premises was allotted to the applicant. The FIR / complaint was lodged against Sharad Jagdale and his associates. The proceedings initiated in C.R. No. 102/2020 registered with Shrirampur Police Station for the offences punishable under section 420, 417, 406, 34 of the IPC were quashed by the Division Bench of this Court vide order dated 31.03.2021 as the parties had settled the dispute. It is further submitted that the letter of allotment from the Corporation indicate that the premises were allotted to the applicant. It is further submitted that vide letter dated 12.02.2021 the developers Sanmitra Bahuddeshiya Sanstha had allotted the premises to the applicant. The dispute relates to property, custodial interrogation is not necessary.

5. Learned APP submitted that investigation is in progress. The informant was in possession of the premises. He has been

dispossessed. Documents indicate that the complainant was in possession of the premises. The FIR was lodged by the applicant against the developers. He submitted that the possession was not handed over to the applicant and it was handed over to one Singh.

6. Learned counsel for the complainant submits that the nature of compromise executed between the applicant and the developers against whom the applicant had lodged FIR is not reflected in the order of Division Bench. The informant was in possession of the premises, she has been dispossessed. The accused have committed theft of articles. The FIR lodged by the applicant itself shows that he is not in possession of premises. The possession of the informant is supported by documents.

7. I have perused the documents on record and the investigation papers submitted by the learned APP. Apparently, both the parties are staking claim in the property. The applicants have relied upon the documents issued to him by the developers as well as letter of allotment issued by the Corporation. The complainant is also claiming that she was in possession of the premises. The matter relates to the documents and dispute over the property. The custodial

interrogation is not necessary.

ORDER

(i) Anticipatory Bail Application No.973 of 2021 is allowed.

(ii) In the event of arrest of the applicant in Crime No.431/2021 registered with the Shrirampur City Police Station District Ahmednagar , the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or more sureties in the like amount.

(iii) The applicant shall report Investigating Officer on 20th, 21st and 22nd October, 2021 between 11.00 a.m. to 01.00 p.m. and thereafter, as and when called for.

(iv) Application stands disposed of.

**(PRAKASH D. NAIK)
JUDGE**

shp/-