

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

ANTICIPATORY BAIL APPLICATION NO.234 OF 2021

Mr. Ramesh Yashwant Ahire	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Jitendra M. Pathade, for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondent – State.
Mr. Jaydeep Gaikwad, PI, Nehrunagar, Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 9th DECEMBER, 2021

PC.

1. Applicant is seeking pre-arrest bail in Crime No.381 of 2020 registered with Nehru Nagar Police Station, Mumbai for the offence punishable under Section 406, 420, 447 of IPC
2. The contention is leave and licence agreement was entered into on 26.06.2019 for a period of eleven months. Said eleven months expires 25.05.2022 whereas applicant has trespassed in said property resulting in invoking Section 447 of IPC. It is further claimed that the deposit of Rs.30,00,000/- was also not refunded.
3. As far as the deposit of Rs.30,00,000/- as has been mentioned in the leave and licence agreement is concerned, said

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amount is claimed to have been received in cash. There is no material on record to infer that such amount was paid by the complainant in cash to the applicant. Vague statements are recorded by the Investigating Office of sale of jewellery without any details which is claimed to the tune of Rs.17,00,000/-.

4. In the aforesaid background, it is difficult to believe that the complainant deposited an amount of Rs.30,00,000/- with the applicant. As far as the allegation of criminal trespass is concerned, said offence is punishable for three months.

5. That being so, ad-interim protection stands confirmed.

6. Applicant shall attend Investigating Officer as and when directed.

7. Application as such stands disposed of.

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[NITIN W. SAMBRE, J.]