

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

**ANTICIPATORY BAIL APPLICATION NO. 2293 OF 2019**

|                            |               |
|----------------------------|---------------|
| Dipti Shailesh Shah & Anr. | ...Applicants |
| VS.                        |               |
| The State of Maharashtra   | ...Respondent |

Mr.S.R. Samel with Mr.P.K. Sangharajkar i/b. Mr.Rajeev Sawant & Associates for Applicants.  
Mr.S.H. Yadav, APP for the State.  
Mr.Sagar Bhokare, PSI, Kandivali Police Station.

**CORAM : BHARATI DANGRE, J.**

**DATED : 4 SEPTEMBER 2021**

**P.C. :**

The Applicants are admitted ad-interim protection by order dated 17 October 2019, awaiting instructions from the learned APP.

2           The dispute between the complainant and the present Applicants revolve around premises, being flat no.502, Jeevan Saukhya Sahakari Gruhnirman Sanstha Maryadit, Kandivali (West). It appears that the Applicants are owners of the said flat and leased out the same to the complainant. On 22 February 2019, a complaint came to be lodged by one Dilip Sharma reporting to the police station that the flat was occupied by his sister and she had been to Rajasthan; he received a phone call to the effect that all her belongings in the flat have been kept downstairs by removing the same and when the complainant

reached there, he could himself witness the same. He lodged the complaint to that effect.

3           Supplementary statement of the occupant of the said flat, being Shri Girish Sanadhya, is recorded on 2 March 2019 wherein it is alleged that in the flat, a cream colour bag was kept which contained the ornaments and silver wares. No value of the said ornaments has been given by the complainant nor any receipt to that effect that they were lying in the flat is produced. Surprisingly, the complainant or the occupant of the flat do not mention any other belongings, in respect of which the Applicant make a statement that on account of dispute between the landlord and tenant, since there was refusal to vacate the premises, the Applicants have moved the belongings which included the furniture and some household items and kept it in the premises of the society. It is his specific statement that for six days, it was lying in the premises of the society and the society objected to the same. Learned APP, on the basis of the instructions from the Investigating Officer, state that the furniture was found in the premises of the society.

4           The version of Shri Girish Sanadhya in the form of his statement dated 2 March 2019. is not supported by any proof of presence of the list of ornaments or silver wares in the flat and even its estimated value is not known to the said person. In such circumstances, on the basis of vague and bald allegations prompting the Investigating officer to invoke Section 380, protection operating in favour of the Applicant, the interim order is made absolute, subject to the stipulation that he shall render

all his co-operation in the investigation.

5            Application is allowed in aforesaid terms.

**(SMT. BHARATI DANGRE, J.)**