

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.827 OF 2022

Vijay Vyankat Dabhade] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

ALONG WITH
INTERIM APPLICATION NO.1981 OF 2022

Chintaman Keshav Pawar] ... Applicant

Vs.

The State of Maharashtra & Anr.] ... Respondents

ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.828 OF 2022

Vinod Vijay Dabhade] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

...

Ms. Pooja Singh for the applicant.

Mr. Mahendra Shingade for the Intervenor.

Ms. Rutuja Ambekar, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 29TH JUNE, 2022.

P.C.:-

1. On 01/04/2022, the applicant was granted protection by recording that on the earlier occasion, the complainant had filed a similar complaint in respect of the same premises and, it resulted into R.C.C. No.198 of 2015 and by a judgment delivered on 25/03/2021, the applicant was acquitted for the offences under Sections 454 and 380 of the IPC.

2. Learned A.P.P. does not deny that in furtherance of the said order, the applicant has reported to the police station.

3. The copy of the complaint filed by the very same complainant on 03/08/2014 with APMC Police Station is placed before me. If the said complaint is compared with the present complaint, one can notice the similarities. The allegation of 03/08/2014 is to the effect that when he had locked his premises,

some of his belongings were removed by the two applicants named therein viz. Vijay Dabhade and his son, and the articles described are more or less the same i.e. Television set of Videocon make, Refrigerator of LG make and one C.D. Player of Philips and one Washing machine, which was found in the earlier FIR but not to be found in the present FIR. Noticing the similarities in the FIRs, the applicants are held entitled for ad-interim protection.

4. Though learned A.P.P. vehemently submits that the applicant has not rendered his cooperation to the Investigating Officer and not submitted anything to show how the premises have come to his possession. I do not think that the investigation can be carried out into the title of the applicants as against the complainant in respect of the premises and also since the applicants have abided by the earlier order, the said order deserves to be confirmed and is confirmed. Needless to state that they shall continue to render their cooperation with the Investigating Officer.

5. The applications are disposed off.

[SMT. BHARATI DANGRE, J.]