

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**937 BAIL APPLICATION NO.2174 OF 2022
WITH
APPLN/78/2023 IN BA/2174/2022**

Dilip Vishnu Chitte,
Age;59 yers, Occ; Business,
R/o; Plot No. 4, Singal Nagar,
Deopur, Dhule, Dist. Dhule. ...Applicant

VERSUS

The State of Maharashtra
Through it's Police Inspector,
Dhule City Police Station,
Tq. Dhule, District Dhule. ...Respondent

...
Advocate for Applicant : Mr.Gaddime Arvind Namdeorao
APP for Respondents-State : Mr. S.P.Deshmukh
Advocate for the Respondent-Complainant : Mr. Patil Shrikant S.
...

AND

**BIL APPLICATION NO. 2175 OF 2022
WITH
APPLN/79/2023 IN BA/2175/2022**

Yogesh Ramesh Chaudhari,
Age; 42 years, Occ; Labour,
R/o; Plot No. 23, Saidarshan
Colony, Nakane Road,
Deopur Dhule, Dist. Dhule. ...Applicant

VERSUS

The State of Maharashtra
Through it's Police Inspector,
Dhule City Police Station,
Tq. Dhule, District Dhule. ...Respondent

...
Advocate for Applicant : Mr.N.L.Chaudhari
APP for Respondents-State : Mr. S.P.Deshmukh
Advocate for the Respondent-Complainant : Mr. Patil Shrikant S.
...

CORAM : S. G. MEHARE, J.

DATE : 17.01.2023.

PER COURT :

1. Heard the learned counsel for both the applicants, the learned APP for the respondent-State and learned counsel for the complainant.

2. It appears that there are reports against reports. It has been alleged that the applicant Dilip took forceful possession of the premises in question, wherein he runs a hotel. It has been alleged that a forged leave and license agreement has been created by the applicant and under the garb of the said forged document, he is claiming the possession over the premises in question. It has been also alleged that the adjoining open land to the premises in question has also been taken in possession. The applicant is habitual offender and many crimes are registered against him.

3. Another applicant Yogesh is arraigned as an accused on the allegations that he was the witness to the alleged forged leave and

license agreement. He has also criminal antecedents at his discredit.

4. Police had filed a report lodged by the complainant, on the ground that it was purely a civil dispute. The photographs placed on record reveals the presence of the complainant at the time of the alleged inauguration of the hotel run by the applicant. The photographs are dated 13th June, 2020. Though the complainant claimed that it was inauguration of the hotel run by him, but it does not seem like so. No doubt, there are reports against the applicant and his son as well as co-accused Yogesh.

5. Perusal of the allegations and more particularly the conduct of the complainant, there appears a dispute over creation of forged leave and license of the premises in question. Taking into consideration the entire facts of the case, the Court is of the view that it would not be appropriate to keep the applicant behind bar. However, to guard the interest of the complainant, certain conditions may be imposed. Hence the order :

ORDER

- a) Both the applications are allowed.
- b) Applicant 1) Dilip Vishnu Chitte 2) Yogesh Ramesh Chaudhari, be released on bail, on furnishing PB and SB of Rs.50,000/- each,

with one solvent surety each in the like amount, in C.R.No.693 of 2022 registered with Dhule City Police Station, District Dhule, for the offence punishable under Sections 379, 386, 420, 447, 451, 471, 468, 467, 465, 448, 504, 506, 120B of the Indian Penal Code, on the condition that they :-

a) shall not tamper the prosecution witnesses,
b) They shall stay away from Dhule Town for one year from the date of their released, except for trial and attending police station for investigation on written notice, till filing of the charge-sheet.

3) Criminal Application Nos. 78 of 2023 in BA No. 2174 of 2022 and Criminal Application No.79 of 2023 in B.A. No. 2175 of 2022 stand disposed of.

(S. G. MEHARE)
JUDGE

mahajansb/