

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

ANTICIPATORY BAIL APPLICATION NO. 1764 OF 2023

Ramjanam Tilak Yadav & Ors ..Applicants

v/s.

The State of Maharashtra & Anr. ..Respondents

**WITH
INTERIM APPLICATION NO. 2399 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 1764 OF 2023**

Sanjay Rajdev Chouhan ..Applicants

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Manoj Singh i/b. Puneet Shukla i/b. MLK Legal Associates for the Applicant.

Ms. Shreya Tiwari i/b. Mr. Dinesh Tiwari for the Intervenor.

Mr. S.H.Yadav, APP for the State.

P.I. Sadashiv Sawant from Kandivali Police Stn.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 10th JULY, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No. 253 of 2023 registered with Kandivali-West Police Station for offences under Section 141, 143, 147, 448, 452, 504 r/w. 149 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned Counsel for the

Intervenor and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Sanjay Rajdev Chouhan. The dispute is in respect of the premises Chamunda Medical Stores. It appears that there is civil dispute between the Applicant and his brother Ramsakal Yadav in respect of the said premises. Jitendra Ramsakal Yadav has sold the premises to the first informant Sanjay Chouhan. Being aggrieved, the Applicant herein filed a civil suit before the Civil Court, Dindoshi, seeking to restrain Ramsakal Yadav from creating third party rights. The purchaser Sanjay Chouhan lodged the FIR alleging that the applicant along with others, formed an unlawful assembly and trespassed into the said premises and committed theft of 49 boxes containing silicon rubber stamps worth Rs.2,71,000/-.

4. It is pertinent to note that the Applicant was on interim bail during the pendency of the application before the Sessions Court. By order dated 26th June, 2023 this Court had granted interim protection to the Applicant with direction to report to the Investigating Officer. Learned APP states that pursuant to the said order the Applicant has reported to the Investigating Officer, despite which the Investigating Agency has not

been able to recover any items allegedly stolen by the Applicant. Furthermore, learned APP concedes that apart from the statement in the FIR, there is no other material to prima facie suggest that the Applicant had stolen the 49 boxes of silicon rubber stamps.

5. Under the circumstances, no case is made out for custodial interrogation. Hence, the interim bail granted by order dated 26th June, 2023 is confirmed. The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer.

. Application stands disposed of. Interim Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)