

ABA 1969/2022

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ORDER

MHCC050065922022



**IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 1969 OF 2022  
(C. R. No.930/2022)  
(CNR NO.MHCC05-006592-2022)**

**1. Vijay Satyanarayan Yadav**

Age – 52 years, Occ : Service,

**2. Sushila Vijay Yadav**

Age – 47 years, Occ : Housewife,

**3. Pankaj Vijay Yadav**

Age – 26 years, Occ : Service,

All of them are residing at : Room No. 3,  
Avadh Narayan Chawl, Near Hanuman Mandir,  
Sahakar Road, Jogeshwari (W),  
Mumbai – 400 102.

**...Applicants/Accused**

**V/s.**

**The State of Maharashtra**

(Through Amboli Police Station, Mumbai)

**....Respondent**

Ld. Advocate Mr. K. M. Tripathi for the Applicants/Accused.

Ld. APP Mr. Sachin Jadhav for The State.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE  
SHRI. SHRIKANT Y. BHOSALE  
(C.R.NO.9)**

**DATE : 20<sup>TH</sup> JANUARY, 2023**

**ORDER**

In apprehension of arrest in C.R. No. 1137/22 registered with Amboli police station under sections 452, 448, 323, 504, 506 r/w sec. 34 of The IPC, the applicants have made this application for pre-arrest bail.

2. The prosecution vide say at Exh. 4 resisted the application.
3. Heard Ld. Adv K. M. Tripathi for the applicant and Ld. APP Sachin Jadhav for the State.
4. According to the prosecution the informant lodged first information on 07.12.2022 alleging that he is caretaker of room no. 3 owned by one Khazan Rawat. As said owner went to South Africa, he had handed over the possession of the said room to the informant for taking care. It is alleged that on 18.11.2022 the applicants entered in the said room at 10.50 p.m. The applicants scuffled with the informant and forcibly removed him from the room and also threatened to kill.
5. According to the Ld. Adv for the applicant in fact the one Vijay Satyanarayan Yadav is the owner of the disputed room and he had given it to the applicants on sympathetic ground, therefore, there is no question that informant was in possession of the suit property. He further submits that on 12.12.2022 the informant has dispossessed the applicants and criminal complaint to that effect C. R. No. 22/2023 is lodged on 06.01.2023.
6. The Ld. APP on the other hand submit that the offence under section 452 is of serious nature and custodial interrogation is

necessary to ascertain the real object of the applicants in commission of offence, He therefore submit that to reject the bail application.

7. After having regards to the material on record it is seen that basically there is a dispute about the possession. It is also seen that both the parties are claiming permissive possession over the disputed room and the owner of the said room has still not intervened in this matter. It is further seen that according to the applicant they are not now in possession of the disputed property. On this background considering the nature of allegation there appears no need of custodial interrogation, suffice it would be to direct the applicants to attend the concerned police station for the purpose of investigation.

8. At this juncture Ld. APP suggest that attendance twice in a week be given so that the investigation can be concluded in a proper manner.

9. In light of above following order is passed.

#### ORDER

1. Anticipatory Bail Application No. 1969 of 2022 stands conditionally allowed and disposed off in following terms.

2. In the event of arrest of applicants/accused Nos. 1 to 3 respectively **Vijay Satyanarayan Yadav, Sushila Vijay Yadav and Pankaj Vijay Yadav** in aforesaid C. R. No. 930/2022 for the offence punishable under sections 452, 448, 323, 504, 506 r/w 34 of The Indian Penal Code, 1860 registered with Amboli Police Station, Mumbai, they be released on their executing P. R. Bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) each and on furnishing one surety of like amount and on

accepting and complying following terms and conditions -

- a) They shall not tamper with prosecution witnesses in any way.
- b) They shall produce their respective Identity Card, address proof and furnish their mobile number as well as land-line number with bail papers.
- c) They shall attend concerned police station on 23.01.2023, 25.01.2023, 30.01.2023 and 31.01.2023 between 10.00 a.m. to 2.00 p.m. and thereafter, if required by the investigation officer by his order in writing.
- d) They shall maintain the diary of attendance.
- e) They shall attend the trial regularly.
- f) They shall not commit similar offence during on bail period.

3. The observation made in this order are restricted to this application only and the Trial Court shall not get influenced by the observation of this Court.

**(Dictated and pronounced in presence of Ld. Advocate for Applicant & Ld. APP)**

**Date: 20.01.2023**

**(Shrikant Y. Bhosale)**  
The Addl. Sessions Judge  
City Civil & Sessions Court,  
Borivali Division, Dindoshi.

Dictated on : 20.01.2023  
Transcribed on : 20.01.2023  
Checked & corrected on : 20.01.2023  
Signed on : 20.01.2023  
Sent to Dept. on :

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

Date : 20/01/2023

Time : 5.28 P.M.

UPLOAD DATE AND TIME

Ms. Tejal C. Rane

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

**HHJ S. Y. BHOSALE  
(Court Room No.9)**

Date of Pronouncement of  
JUDGMENT/ORDER

20.01.2023

JUDGMENT/ORDER signed by P.O. on

20.01.2023

JUDGMENT/ORDER uploaded on

20.01.2023