



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO.1564 OF 2021
(C. R. No.814/2021 of Malad Police Station)**

Amar Namdeo Mandalkar,]
Age 49 years, Occ : Business,]
R/o. Room No.13, 155 Sonabai Chawl,]
Gaothan Road, Near Bhujale Talav,]
Kumbharwada, Malad (W),] ...Applicant
Mumbai.

Versus

State of Maharashtra,]
(Through Malad Police Station)] ...Respondent

Ld. Adv. Shri Bagade a/w. Adv. Shri Santosh Pawar for applicant.
APP Usha Jadhav for State.

**CORAM : SHRI L.S. CHAVAN,
Additional Sessions Judge,
Court Room No.10.**

Date : 30th November, 2021

ORAL ORDER

The present application is filed by the applicant under section 439 of the Code of Criminal Procedure 1973 for granting Anticipatory Bail in connection with Crime No.814 of 2021, registered with Malad

Police Station for the offences punishable under Sections 448, 454, 457 r/w. 34 of the Indian Penal Code.

2. The factual matrix of prosecution case is that, during the period from 28.08.2021 to 22.10.2021, the applicant and co-accused by breaking lock of the room No.3 of Building No.5, Unity Complex, Malad (W), Mumbai took forcible possession of the said room. Therefore, the complainant lodged the report to Malad Police Station against the applicant/accused. On the report of complainant, Crime No.814/2021 came to be registered against them for the offences punishable under Sections 448, 454, 457 r/w. 34 of the Indian Penal Code.

3. The Ld. Advocate for applicant argued that the applicant is innocent and has been falsely implicated in the alleged offence. He is a civil contractor, having good reputation in the society. No specific role has been assigned by the applicant. Nothing is to be recovered from him. His custodial interrogation is unwarranted. The co-accused have been enlarged on bail by the Ld. Metropolitan Magistrate's Court. Hence, requested to release the applicant on pre-arrest bail.

4. Per Contra, Ld. APP for respondent argued that the earlier Anticipatory Bail Application of the applicant was rejected by this Court on the ground of his criminal antecedents. Therefore, the present application is not maintainable and requested for rejecting the same.

5. This is a second application filed by the applicant to enlarge him on pre arrest bail on change of circumstances. His earlier Anticipatory Bail application No.1513/2021 was rejected by this Court on the

ground that the offence was serious in nature. The investigation was at initial stage. While rejecting the earlier Anticipatory Bail Application, it is observed that the applicant is having criminal antecedents. It is seen that after rejection of the earlier Anticipatory Bail Application, he was absconded and did not co-operate the investigating officer. I do not find any change of circumstances to entertain his successive Anticipatory Bail Application. Considering the nature of the allegations against the applicant and looking his criminal history, he is not entitled to grant pre-arrest bail. Hence, following order.

ORDER

Anticipatory Bail Application No.1564/2021 is hereby rejected and stands disposed of accordingly.

(L. S. CHAVAN)

Dt. 30/11/2021

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictated on : 30/11/2021
Transcribed by steno on : 30/11/2021
Checked & Signed by HHJ on : 30/11/2021

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 03.12.2021 AT 04.00 NAME OF STENOGRAPHER PRASAD S. TARE	
Name of Judge (with Court room no.)	HHJ Shri L.S. Chavan, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	30/11/2021
JUDGEMENT/ORDER signed by P.O. on	30/11/2021
JUDGEMENT/ORDER uploaded on	03/12/2021