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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.155 OF 2015

Haji @Ikhlaq Gaffar Dabbawala and Anr. ... Applicants

V/s.

State of Maharashtra ... Respondent

Mr.C.K.Pendse, for the Applicants.

Mr.Y.M.Nakhwa, APP for the Respondent – State.

Mr.D.V.Kamtekar, Court Commissioner is present.

Ms.Laxmi Tukaram Khade, Complainant is present.

CORAM : REVATI MOHITE DERE, J.

DATED : 27th APRIL, 2015.

PC.

1. Heard the learned counsel for the Applicants and the learned APP for the Respondent-State.

2. By this application, the Applicants seek pre-arrest bail, in connection with C.R.No.349 of 2014 registered with the Kurla Police Station, Mumbai, for the alleged offences punishable under Sections 420,

504, 506(II) r/w 34 of the Indian Penal Code.

3. The first informant is one Laxmi Tukaram Khade. According to the complainant, she was having a commercial premises at the Kurla Mahananda Nagar Co-operative Housing Society Limited. The said land on which the aforesaid society was situated, was declared as a slum. Thereafter, the said slum was redeveloped under the SRA scheme, by M/s.Gangangiri Enterprises, a partnership firm, of which the present applicants are the partners. It is alleged that though the complainant was promised a commercial premises under an agreement dated 21st August, 2008, the applicants had not handed over the commercial premises to the complainant. It is alleged by the complainant that since 2010 she has not been put in possession of the commercial premises which she was entitled to under the SRA scheme. In the interregnum, during the pendency of this Anticipatory Bail Application, several orders came to be passed, in view of the statement made by the applicants that they were ready to hand over the premises i.e. shop nos.6 and 7 to the complainant, as allotted to the complainant under the SRA scheme. In view of the said statement made by the applicants, orders dated 1st April and 15th April, 2015 came to be passed.

4. The learned counsel for the applicants informs that pursuant to the aforesaid two orders, the applicants have handed over the possession of the commercial premises i.e. shop nos.6 and 7 in C and D Wing of Kurla Mahananda Nagar Co-operative Housing Society Limited, ad-measuring 318 sq.ft. Carpet area to the complainant.

5. The complainant, who is present in Court does not dispute the same. She states that in view of handing over of the aforesaid commercial premises, she undertakes to vacate the transit accommodation, within two weeks from today.

6. The Court Commissioner was present during the transfer of the aforesaid premises on 25th April, 2015. The Court Commissioner to inform his charges to the Counsel for the Applicants. The Applicants shall deposit the charges of the Court Commissioner with the Registrar (Judicial-I), within one week from today. Accordingly, the Court Commissioner is permitted to withdraw the said amount, which will be deposited by the applicants.

7. Considering the aforesaid facts, the Applicants deserve to be

enlarged on pre-arrest bail on the following terms and conditions ;

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount ;
- ii) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
- iii) The Applicants shall co-operate in the conduct of the trial.

8. The Application is allowed and disposed of in above terms.

9. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.

10. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)