

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.198 OF 2015**

Mangala Pratapsingh SheteApplicant.
Versus
The State of Maharashtra ...Respondent.

**WITH
ANTICIPATORY BAIL APPLICATION NO.172 OF 2015.
WITH
CRIMINAL APPLICATION NO.271 OF 2015.**

Shri Uday Govind More & Ors. ...Applicants.
Versus
The State of Maharashtra ...Respondent.

Mr. Manoj Mohite i/by Mr. Sayaji Dadu Nangre, advocates for the Applicants in ABA 172 OF 2015.
Mr. Sayaji Nagave i/by Mr. Ranjeet Madhukar Pawar, advocates for the applicant in ABA No.198 of 2015.
Mr.S.S.Pednekar, APP for the respondent-State in both the matters.
Mr. Prashant M. Patil advocate for the applicant /Intervenor in Criminal Application No.271 of 2015.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 20, 2015.

P.C.:

These two applications filed under Section 438 of the Cr.P.C. now decided by a common order as the accused in both these

applications are prosecuted under one C.R.24 of 2015 registered at Shahupuri Police Station on 24.1.2015 for the offences punishable under Section 395, 454, 506 of the Indian Penal Code.

2 One Purnima Suresh Kulkarni has given information to the police. The accused are builders. As per the case of the prosecution, the applicants-accused are members of one political party having office in the building so also employees of the builder, who have constructed the building and from whom the complainant has purchased Gala No.110. She took possession of the said Gala and is at present having her office there. It is her case that that the applicants-accused have damaged shutter of her office. They ransacked some furniture and robbed a gold chain from her person on 29.12.2014. It is her case that she is scared of these accused as they are politically influenced and have created a terror.

3 The learned counsel for the applicants-accused have submitted that the applicants-accused are innocent. There is a dispute in respect of full payment of Gala No.110. It is submitted that there is also a dispute in respect of illegal construction done by the complainant by closing a common passage leading to her gala and Gala No.109. Gala No.109 is in possession of developer. He has pointed out that a civil suit seeking mandatory injunction is filed. Suit No.617 of 2014 is filed by the

complainant on 3.7.2014 in the Civil Court at Kolhapur in the which the applicants-accused have filed counter claim seeking mandatory injunction for removal of the wall, which is constructed by her closing the passage. It is submitted that no mandatory injunction is granted in favour of the complainant and the application of the applicants-accused is still pending. The learned counsel submitted that the applicants-accused have not committed any offence and they are innocent.

4 Mr. Patil, the learned counsel, who has filed intervention application on behalf of the complainant, submitted that the complainant is scared from the terror of the applicants-accused. Therefore, pre-arrest bail should not be granted to them.

5 The learned prosecutor opposed the application as the investigation is going on.

6 Perused the complaint and the documents produced herein. It appears that there is a dispute of civil nature pending between the parties in respect of use and possession of space in the passage between Gala Nos.110 and 109. The Civil Court is the competent Court to decide the title in respect of the premises. Parties have picked up quarrel and have landed into physical fight. Considering the nature of the dispute, I am

inclined to grant pre-arrest bail to the applicants-accused. However, it is necessary that the conditions imposed on applicants-accused are to be strictly observed by them. So also, the complainant should not overstep and create ruckus as the criminal case is filed by the applicants-accused against the complainant. In view of this, the anticipatory bail applications are allowed on following terms:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each , with one or two sureties in the like amount;
- ii) The applicants shall not tamper with the evidence;
- iii) The applicants shall not indulge into any kind of offence while on bail;
- iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Tuesday and Thursday , between 4 pm to 6 pm, for two months or filing of the charge-sheet, whichever is earlier.

7 Both applications and intervention application are disposed of.

(MRS.MRIDULA BHATKAR, J.)

