

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
ANTICIPATORY BAIL APPLICATION NO.205 OF 2015

Mrs. Rajam Stephen Dhas Applicant
Vs.
The State of Maharashtra Respondent

Mr. Amarnath R. Bhatt for the Applicant.
Ms Rutuja Ambekar, APP, for the Respondent-
State.
Mr.Ramesh B. Nangare, PI, Worli Police
Station, present.

CORAM: REVATI MOHITE DERE, J.

DATED: MARCH 30, 2015

P.C:

1. Heard the learned counsel for the
applicant and the learned APP for the
respondent-State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.
No.43 of 2015, registered with the Worli Police

Station, Mumbai for the alleged offences punishable under Sections 342, 392, 447, 506 and 323 r/w Section 34 of the IPC.

3. The incident in question has taken place on 29-1-2015. It is alleged by the complainant, that her brother Raju Kurian and his wife had committed suicide on 29-7-2011 and as they did not have any issue, she being the sister of Raju Kurian, had claim over the property, i.e. Room No.C-33, Mahatma Phule Nagar, A.G. Khan Road, Worli, Mumbai. According to the complainant, on 25-1-2015, the police had handed over to her a gold chain and a gold ring belonging to her brother, deceased Raju Kurian. According to the complainant, after she took possession of Room No.C-33, her neighbours, i.e. the present applicant along with her husband, son and nephew threatened the complainant. It is alleged by her that on

29-1-2015, at about 7:00 a.m., when she was at home with her daughter and son-in-law, the present applicant, her husband, son and nephew entered the house forcibly and asked her to leave the premises. It is alleged that the present applicant started pushing the complainant, as a result of which the complainant fell on the ground and thereafter the applicant forcibly pulled the gold chain worn by the complainant. Thereafter, her nephew also is stated to have given threats and all are alleged to have assaulted the complainant. The complainant has alleged that her gold chain, weighing two tolas and priced at about Rs.50,000/-, was forcibly pulled.

4. The learned counsel for the applicant states that the applicant is a lady and that the case that has been registered against her and her family members is a false case. He

submitted that there was no reason for the applicant and her family members to assault the complainant. He submitted that the injury certificate also does not show any injury on the neck, which is suggestive of pulling of the gold chain. He submits that without prejudice to her rights and contentions, the applicant is ready and willing to deposit a sum of Rs.50,000/- in the trial Court.

5. Perused the papers and the injury certificates of the complainant, the applicant and others. The present applicant has also sustained injuries and was taken to the Hospital. The dispute arises out of a premises standing in Raju Kurian's name. It appears that some incident had taken place, where both the sides suffered injuries. Without expressing any opinion with regard to whether the gold chain was snatched or not, only in view of the fact,

that the applicant is a lady and that she is ready and willing to deposit a sum Rs.50,000/-, in the trial Court, without prejudice to her rights, the application for pre-arrest bail is being considered.

ORDER

(i) The application is allowed. In the event of her arrest, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall deposit a sum of Rs.50,000/- in the trial Court on or before 10-4-2015. The trial Court to invest the amount, so deposited, as deemed fit and shall pass appropriate orders on the same, at the conclusion of the trial.

(iii) The applicant shall attend the Worli Police Station, Mumbai, on the first Saturday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;

(iv) The applicant shall not tamper or attempt to influence the complainant or any person concerned with the case;

(v) The applicant shall co-operate with the investigating agency and in the conduct of the trial;

6. The application is disposed of in above terms.

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

sjs

13-ABA-205.2015

8. The parties to act upon the
authenticated copy of this order.

(REVATI MOHITE DERE, J.)