

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 724 OF 2015**

Ravi Rajan Pandayan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. P. Mundargi, Sr. Counsel i/b Mr. Hrishikesh Mundargi for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

Mr. Rakesh Agarwal for the original complainant

API Mr. Pradeep Salekar from Chembur Police Station is present

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 30th APRIL, 2015

P.C. :

1. Heard learned Senior Counsel for the applicant, the learned Counsel for the original complainant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 13 of 2015 registered with the Chembur Police Station for the alleged offences punishable under Sections 143, 147, 149, 151, 284, 353, 332 and 436 of the Indian Penal Code.

3. A few facts as are necessary to decide the application, are set out as under :

There was a dispute between the landlords Sunderban Nirban and Anitadevi Nirban on the one hand and the applicant on the other hand, with regard to the premises. It appears that pursuant to a decree passed on 30th July, 2012 by the learned Competent Authority under the Maharashtra Rent Control Act, the applicant was directed to hand over vacant and peaceful possession of the Bungalow No. 87/A, Collector's Colony, R. C. Marg, Mahul Road, Chembur, Mumbai – 400 074, to the landlords. Admittedly, the said order passed in 2012 was confirmed right up to the Apex Court. It is alleged by the complainant that when he went to execute the order of the Competent Authority passed under Section 24 of the Maharashtra Rent Control Act, as against the applicant herein, the applicant along with some members of the Rashtriya Bhim Sena obstructed the complainant and the police from entering the premises. It is alleged that the applicant and others consumed poison and threw the same in the direction of the police and deliberately turned the gas knob on, when the police entered the premises. Accordingly, C.R No. 13 of 2015 came to be registered on the complaint of Ashok Vishnu Bhosale, an Officer from the

Office of the Competent Authority (Rent Control Act), Konkan Division, as against the applicant and others, alleging offences punishable under Sections 143, 147, 149, 151, 284, 353, 332 and 436 of the Indian Penal Code.

4. Learned Counsel for the applicant submitted that pursuant to the aforesaid C.R, the applicant came to be arrested and was subsequently released on bail by the Additional Sessions Judge, Greater Mumbai vide order dated 21st January, 2015. The operative part of the said order reads thus:

“ORDER

1. Applicant/accused Ravi Rajan Pandayan be released on bail in connection with Crime No. 13 of 2015 registered at Chembur Police Station for the offences punishable under Sections 143, 147, 149, 151, 284, 353, 332, 436 of IPC on his furnishing P.R.Bond of Rs. 25,000/- with one or more sureties in the like sum on the following conditions:

a. Applicant/accused shall co-operate the prosecution agency and comply the oral undertaking given before the court by learned Advocate of the applicant of removing the statues from the premises within one week.

2. Provisional cash bail is permitted for two weeks.”

5. It appears that two miscellaneous applications came to be filed by the complainant as well as the applicant; the applicant filed an application seeking modification of Clause (a) of the order dated 21st January, 2015 and the complainant filed an application seeking cancellation of the applicant's bail on the ground that Clause (a) of the order dated 21st January, 2015 had not been complied with. The learned Additional Sessions Judge, after considering both the applications, was pleased to reject the modification application preferred by the applicant and was pleased to allow the application preferred by the complainant seeking cancellation of the applicant's bail. The said order cancelling the applicant's bail was passed vide order dated 24th February, 2015. It appears that the applicant's bail was cancelled considering the conduct of the applicant i.e. the posts that were posted on the face book as well as certain pamphlets that were sent to various authorities, so as to defeat the order of the Apex Court. Thereafter, the applicant moved an application seeking his enlargement on bail under Section 439 of Cr.P.C. The said application was also rejected vide order dated 25th March, 2015 by the Additional Sessions Judge on the ground, that despite the undertaking given by the applicant to the Court, that he would remove the statutes after his release on bail, the

applicant had not complied with the said order and instead, had filed an application for withdrawing the said undertaking. The other ground on which the application for bail was rejected, was that the applicant had circulated pamphlets, pictures of hoardings and various face book posts, so as to frustrate the decree and order passed by the Apex Court.

6. Learned Counsel for the applicant states that as of today, the possession of the subject premises is with the landlords and that the statutes have been removed by the Collector, pursuant to the order of the Division Bench of this Court. He submitted that the applicant has been in custody for more than two months, for the breach of the undertaking. He submits that the applicant is ready to abide and give an undertaking not to indulge in activities with regard to the said premises, nor will he circulate any pamphlets so as to defeat the orders passed by the Apex Court or this Court.

7. Vide order dated 29th April, 2015, in view of the statement made by the learned Senior Counsel on the instructions of the applicant's wife, who was present in Court, that the applicant was ready to abide by any of the conditions, which may be imposed by this Court, if the applicant

is enlarged on bail, this Court had given a direction to the Jailor, Arthur Road Jail, Mumbai Central, to permit the applicant to affirm an affidavit to that effect, before the Jailor. The learned Counsel for the applicant has tendered the affidavit of the applicant, wherein he has specifically averred that if enlarged on bail, he would abide by all such conditions that may be imposed upon him by this Court. The said affidavit is taken on record and marked 'X' for identification.

8. The learned A.P.P and the learned Counsel for the original complainant opposed the bail application. They submit that the applicant is likely to create law and order problem and there is a threat to the life of the landlords.

9. Perused the papers. The applicant has been in custody for more than two months, from the date his bail came to be cancelled i.e. from 24th February, 2015. The conduct of the applicant as has come on record, is deplorable, unacceptable and unjustifiable. Both the Courts below have rightly denied bail to the applicant. However, only considering the fact that the applicant has given an undertaking to this Court, that he is ready to

abide by any of the conditions that may be imposed on him, if enlarged on bail, that the present application is being considered. In view of the undertaking given to abide by the conditions, the applicant is released on bail on the following terms and conditions :

ORDER

- (i) The applicant Ravi Rajan Pandayan be released on bail in connection with C.R. No. 13 of 2015 registered with the Chembur Police Station, on executing PR Bond in the sum of Rs. 50,000/- with one or more sureties in the like amount;
- (ii) The applicant shall attend the Govandi Police Station once in a month on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not enter the jurisdiction of the Chembur Police Station, till the conclusion of the trial.
- (iv) The applicant shall not threaten or intimidate the landlords, their family members or any person concerned with the said premises;

- (v) The applicant shall not dispossess the landlords, save and except in accordance with due process of law;
- (vi) The applicant to abide by the Judgment and decree passed in Case No. 16 of 2012 which is confirmed by the Apex Court;
- (vii) The applicant shall withdraw all letters and threats given to the Authorities in the said letters dated 20th November, 2014, 8th December, 2014, 16th December, 2014, 23rd December, 2014 and 9th January, 2015, including the face book posts, unconditionally;
- (viii) The applicant shall undertake not to indulge in sending similar letters or issue such threats in future to any of the authorities, with regard to the subject matter of the case;
- (ix) The applicant shall not personally do or indulge in any propaganda or provoke or instigate any person with regard to the dispute related to the said premises;
- (x) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or

change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Chembur Police Station;

(xi) The applicant to cooperate with the conduct of the trial;

(xii) The undertaking in terms of clauses (ii) to (xi) shall be given by the applicant within three days of his release on bail. The said undertaking shall be filed in the trial Court. It is made clear, that if the said undertaking is not filed within the aforesaid time, the order granting bail shall automatically come to an end and the applicant shall be taken into custody forthwith.

(xiii) As far as clause No. (iii) is concerned, the applicant shall be at liberty to file an application seeking modification of the same, after giving due notice to the landlords, after a period of six months.

10. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

11. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.