

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 739 OF 2015**

Bharat Bansilal Deore & Ors.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Vijay R. S. i/b Mr. Deepak R. Kushawaha for the Applicants

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 Counsel for the applicants, the learned Counsel for the original complainant and the learned A.P.P for the State.

2. By this application, the applicants seek their 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 :

The applicant Nos. 1 and 3 are the employees of Peoples Co-operative Credit Society, which is being run by the co-accused Ravi Rajan Pandayan.

There was a dispute between the landlords Sunderban Nirban and Anitadevi Nirban on the one hand and Ravi Rajan Pandayan 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, Ravi Rajan Pandayan 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 Ravi Rajan Pandayan, he along with some members of the Rashtriya Bhim Sena and the applicants, obstructed the complainant and the police from entering the premises. It is alleged that Ravi Rajan Pandayan and others consumed poison and threw

the same in direction of the police and deliberately turned the gas knob in the said premises, when the police entered the premises. Accordingly, C.R No. 13 of 2015 came to be registered as against Ravi Rajan Pandayan and the present applicants, alleging offences punishable under Sections 143, 147, 149, 151, 284, 353, 332 and 436 of the Indian Penal Code.

4. Learned Counsel for the applicants states that as far as the present applicants are concerned, they are only the employees of the co-accused Ravi Rajan Pandayan and have no concern with the original dispute of the suit premises between Ravi Rajan Pandayan and his landlords. He submits that only because the applicants are the employees, they have been involved in the present case. He submits that no letters or face book posts have been posted by either of the applicants. He submits that the applicants have been in custody for more than two months and hence prays that the applicants be enlarged on bail.

5. The learned Counsel appearing for the landlords as well as the learned APP has no objection to the release of the applicants, provided certain conditions are imposed.

6. Accordingly, the application is allowed. The applicants be enlarged on bail on the following terms and conditions :

ORDER

(i) The applicants 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. 10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall attend the Chembur 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 applicants shall not threaten or intimidate or attempt to contact the landlords, their family members or any person concerned with the said premises;

(iv) The applicants shall inform their latest place of residence and mobile contact numbers 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;

(v) The applicants to cooperate with the conduct of the trial.

7. 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.

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

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

REVATI MOHITE DERE, J.