

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 582 OF 2015

Hasal Ali s/o Ali Sendole

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. A. M. Saraogi for Applicant
Mr. Y. M. Nakhwa APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 7th JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 82 of 2015 registered at Paydhuni Police Station for offence punishable under sections 420, 465, 467, 468, 471 r/w 34 of Indian Penal Code.

2) It is the case of prosecution that on 19/03/2015, one Mohammed Ali Patel lodged a report at the police station alleging therein that he has is registered office at 23, Ameena Mansion, Paydhuni. The said building is known as Patel Mansion. He claims the ownership of the said building. The old name of the said building was Vishindas Asardas Building. In the open space on the third floor of the said building, person namely Ibrahim Taza

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resides. That the present applicant has illegally constructed room no. 27A, 28A in the said building and has fabricated false receipts to obtain electricity connection and submitted the same to B.E.S.T. authorities. According to him, complainant had enquired with Kishandas Katejara and had learnt that he had not given the possession or any rights in favour of present applicant. On the basis of report of the complainant, crime no. 82 of 2015 was registered.

3) Learned counsel for the applicant vehemently submits that in fact, applicant is neither ownership nor possession of the said rooms. According to learned counsel, applicant is nowhere concerned with the said building and it is some other person who has prepared the receipts in his name.

4) Learned APP submits that F.I.R. clearly spells out the offence of cheating. Complainant has stated in the F.I.R. that dispute is pending before Small Causes Court in respect of the tenants namely Mohammed Imran Mohammed Shafi Taybani & Smt. Zulekha Gulzar Ali.

5) The statement of learned counsel for the applicant which has made upon instructions is accepted that applicant herein is not claiming any rights under any Statute over the rooms allegedly constructed/encroached in the said building by the applicant. In view of this, applicant deserves pre-arrest bail as

custodial interrogation would not be imperative.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.
- (iii) Applicant shall report to concerned police station from 13/07/2015 to 15/07/2015 between 10.00 a.m. to 01.00 p.m. and co-operate with the investigating agency to the best of his capacity.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)