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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.607 OF 2015

Sultan Shaukatali Mansoori and Ors.	...	Applicants
V/s.		
The State of Maharashtra and Anr.	...	Respondents

Mr.M.K.Kocharekar i/b Mr.P.V.Vare, for the Applicants.
Mr.Y.M.Nakhwa, APP for the Respondent – State.
PSI – D.Sawant, Khar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.
DATED : 29th APRIL, 2015.

PC.

1. Heard the learned counsel for the Applicants and the learned APP for the Respondent-State.
2. By this application, the Applicants seek pre-arrest bail, in connection with C.R.No.148 of 2015, registered with the Khar Police Station, Mumbai, for the alleged offences punishable under Section 379 r/w 34 of the Indian Penal Code.
3. The complaint is lodged by the Chairman of the Society – Kenil Worth R.K.Premises Co-operative Housing. The said complaint has been

lodged on 11th December, 2014 and the FIR came to be registered on 9th April, 2015. The applicant nos.1,2 and 3 were the erstwhile Secretary, Joint Secretary and Joint Treasurer respectively of the said Society, during the period from October 2013 to December, 2014. It is alleged by the complainant that during the said period, the present applicants committed theft of a common A.C. plant/unit and the Car lift machine of the Society. It is alleged that the theft was committed in the year 2013 - 2014.

4. Learned Counsel for the Applicants states that there are several disputes pending between the applicants and the society members with regard to the said premises. Both the parties, have lodged cases against each other. He submitted that vide Resolution dated 5th August, 2013, the applicant no.1 was given the said premises on tenancy basis on payment of rent of Rs.5,000/- per month to the Society. He submitted that thereafter disputes arose between the present applicants and the society members. He submitted that an Administrator was appointed by the Registrar on 4th December, 2014 under Section 77A of the Maharashtra Co-operative Societies Act. He submitted that the present complaint has not been lodged by the Administrator but by the Chairman of the said Society. According to the learned counsel for the applicants the A.C.

Plant/Unit was sold by one of the members of the Society viz. Meher Desai, to a scrap dealer and an amount of Rs.50,000/- was credited into the Societies Account. He submitted that a complaint was infact lodged by the members of the society as against Meher Desai, however, subsequently the complaint was closed.

5. Perused the papers. It appears that there is a long standing dispute between the parties with regard to the said premises and that there are also civil cases filed by both the parties against each other with regard to the same. The theft alleged is of 2013 - 2014 i.e. Machine of the Car lift of the Society and huge A.C. plant/unit and the FIR has been lodged in 2015. There is no date when the alleged theft was committed nor is there any explanation for the delay in the FIR.

6. Considering the nature of allegations and the background in which the same have been made, the possibility of false implication of the applicants cannot be ruled out, the applicants are entitled to be enlarged on pre-arrest bail on the following terms and conditions ;

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount ;
 - ii) The Applicants shall attend the Khar Police Station, Mumbai, on every Saturday, between 10.00 a.m. to 11.00 a.m., for a period of two months from today and thereafter as and when called for by the Investigating Officer ;
 - iii) The Applicants shall co-operate in the conduct of the trial.
7. The Application is allowed and disposed of in above terms.
8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.
9. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)