

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 642 OF 2015

1 Smt. Shobha Arun Tryambake
2 Smt. Shruti Jayant Tryambake/Thakre. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Virendra V. Pethe, advocate for Applicants.

Ms. Rajeshree Gadhvi, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 10, 2015

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicants herein are apprehending their
arrest in Crime No. 2 of 2015 registered at Naupada Police Station,
Thane for offence punishable under Section 420 read with section 34
of the Indian Penal Code.

3 The complainant happens to be the father of the applicant No. 1 and grand-father of applicant No. 2. According to the complainant, the applicant has initially made a fixed deposit of Rs. 10 Lakhs in the joint name of the complainant and the applicant No. 1. After he made complaint, the applicants have transferred the fixed deposit in his name. According to the complainant, the applicant No. 1 had purchased a flat out of the income of the complainant but has not transferred the said flat in his name.

4 It prima facie appears that there is some dispute between father and daughter. Learned Counsel for the applicants upon instructions submits that since 1990 the present applicant No. 1 has been taking care of the complainant. Perused supplementary statement dated 9/6/2015 which clearly indicates that the present complainant is residing in the flat which is the disputed property between father and daughter.

5 Taking into consideration the relations between the parties and the facts of the case, it can be said that the applicants have made out a prima facie case for grant of bail.

6 The observations made hereinabove are prima facie in nature. The same shall not be considered at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The concerned Court shall decide the matter on its own merits.

7 Hence following order is passed:

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 2/2015 registered at Naupada Police Station, Thane, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or two sureties in the like amount.

(iii) The applicants shall report to the concerned police station on 16/6/2015 and 17/6/2015 between 5 p.m. to 7 p.m. and cooperate with the investigating agency to the best of their capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)