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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.743 OF 2015

Velentine Silvera Sebastin and Ors.	... Applicants
Vs	
The State of Maharashtra and Anr.	... Respondents

Mr.Niranjan Mundargi i/b Vishal Deshmukh, for the Applicants.

Ms.P.P.Shinde, for the Respondent – State.

Mr.Rajesh D. Bindra, for the Intervener.

**CORAM : REVATI MOHITE DERE, J.
DATE : 24th AUGUST, 2015**

P.C. :

1. Heard learned counsel for the Applicants, learned APP for the Respondent – State and the learned counsel for the intervener.

2. By this Application, the Applicants seek pre-arrest bail, in connection with C.R. No.76 of 2015, registered with the Versova Police Station, Mumbai, for the alleged offences punishable under Sections 325, 324, 323, 354, 504, 506(2) r/w 34 of the Indian Penal Code.

3. The complaint has been lodged by one Aradhana Dwivedi. According to her, she was running a Hotel in the name and style of 'Sea Edge Hotel' with her friend Munira Shaikh. She has alleged that on 9th March, 2015, the Hotel Manager of 'Sea Edge Hotel', Ajay Karmakar telephoned and informed her, that the present applicants and co-accused – Sam had come to the Hotel and quarreled and abused him, on the issue of some guests coming into the said Hotel. Pursuant to the said information, the complainant is alleged to have gone to the hotel and enquired with the Hotel Manager – Ajay. It is alleged that thereafter some unknown persons along with the applicants came in front of the 'Sea Edge Hotel' and started abusing the complainant. It is alleged by the complainant that her friend Munira tried to resolve the dispute, however the applicant and the co-accused assaulted the complainant and the Manager of the Hotel, with belt and rod. It is alleged that the co-accused – Sam slapped the complainant and touched her inappropriately and abused her. According to the complainant, the present applicant no.1 pushed Munira Shaikh inappropriately. Pursuant to the said incident, the aforesaid C.R came to be lodged.

4. Learned Counsel for the Applicants states that a complaint was also lodged by one Uttamsingh Chauhan, who is the Manager of 'O Lounge Hotel'. According to him, the applicant no.1 is the owner of 'O Lounge Hotel' and that his Manager had lodged a complaint on 12th March, 2015 stating that one Imran, Nitin, Ibrahim, Saleem and others had come to the spot and assaulted him with fist and kick blows and one of the said persons had assaulted him with a sharp edged weapon on his chest, back, neck and on his hand. He has alleged that pursuant to the assault, he became unconscious and was taken to Cooper hospital for treatment. The learned counsel tendered a copy of the injury certificate of the said Uttamsingh Chauhan, in support of his contention and also relied upon the FIR lodged by Uttamsingh Chauhan, on 12th March, 2015 with regard to the incident of 9th March, 2015. He submitted that a false case has been lodged by the complainant as against the present applicants making serious allegations therein, of outraging the modesty of the complainant and her friend – Munira Shaikh.

5. Perused the papers, including the complaint lodged by the complainant – Aradhana as well as the cross case filed by Uttamsingh

Chauhan, the Manager of the Hotel, owned by the Applicant no.1. Perused the injury certificates of the complainant – Aradhana and others. It appears from the injury certificate which is on page 15 of the application, that the history given by the complainant – Aradhana to the Doctor at the Cooper Hospital, is history of assault by unknown person at 10.15 p.m. Admittedly, there is animosity between the parties.

6. Considering the nature of the allegations, the cross-cases lodged by both the sides, the injuries sustained by Uttamsingh and the peculiar facts of this case, the applicants deserve to be granted anticipatory 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 on the first and third Saturday of every month between 10.00 a.m., to 11.00 a.m, till the filing of the charge-sheet ;
- iii) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case ;

iv) 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 and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.