

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 767 OF 2015

1. Omprakash Vishwanath ShuklaApplicants
2. Rahul Omprakash Shukla

V/s.

The State of MaharashtraRespondent

Ms. Anjali Awasthi for Applicant
Ms. Rutuja Ambekar APP for the State
Mr. Mahesh Patil, A.P.I. Dindoshi Police Station

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 16th JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 251 of 2015 registered at Dindoshi Police Station for offence punishable under sections 452, 457, 380, 406, 201, 504, 506 r/w 34 of Indian Penal Code.

2) This is a peculiar case where, complainant happens to be father of applicant no. 1 and grandfather of applicant no. 2. On 26/04/2015, complainant lodged a report at the police station alleging therein that he has been harassed by present applicant no. 1 for getting premises in Somasiba Chawl where complainant happens to be owner of two tenements. It is alleged

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in the F.I.R. that complainant had lodged several reports against present applicants to various authorities. It is alleged that present applicants had assaulted Durga Devi i.e. mother of applicant no. 1 in the year 2012. Statement of Durga Devi was recorded on 16/04/2012. It is also alleged that there are chapter cases against present applicants on the basis of reports lodged by present complainant pertaining to the year 2010. It is alleged that Pramod who happens to be second son of complainant who had given tenement on rent to one Suresh Samai on 10/01/2014. It is alleged that on 16/04/2014, present applicant no. 1 and his son had pulled down the common wall between both tenements. That on 21/04/2014, complainant had reported the said incident to the police. Complainant has given several incidents of the year 2014. According to the complainant on 24/01/2015, Durga Devi had informed the complainant that present applicant is installing tiles in the tenement as well as colouring the tenement.

3) It prima facie appears that the said premises is being taken for the purpose of development under S.R.A. scheme. As per the scheme, occupier of the tenement in the society would be entitled to alternative accommodation or rightful tenement/house. In the developed scheme. It appears that there is a

quarrel between both the brothers to show extended area of accommodation in order to get the benefits of S.R.A. scheme. It also appears that there have been family disputes between parents and children.

4) Learned counsel for the applicants submits that for the reasons best known to the complainant, he takes sides with the other son and has lodged the report for the benefit of other son.

5) It is a family dispute. The incidents are of the year 2014. The possibility of settlement cannot be ruled out due to blood relations between the parties. In any case, this cannot be said to be fit case for custodial interrogation. Hence, applicants deserve grant of pre-arrest bail on certain conditions. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

(i) Application is allowed.

(ii) In the event of arrest, 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.

- (iii) Applicants shall not tamper with evidence.
- (iv) Applicants shall report to concerned police station on every alternative day between 10.00 a.m. to 01.00 p.m. for a period of 2 months and co-operate with the investigating agency to the best of their capacity.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)