

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.892 OF 2015

Bhagaram Haraji Kharawal	... Applicant
vs.	
The State of Maharashtra	... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.893 OF 2015

Manoj Phoolchand Jain	... Applicant
vs.	
The State of Maharashtra	... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.921 OF 2015

Ramesh Chandrakant Mhatre	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Khush Khandelwal i/b. Khandelwal Associates, for the Applicants in ABA.Nos. 892 of 2015 and 893 of 2015.
Mr. Pravinkumar Pillay, for the Applicant in ABA.921 of 2015.
Mr. D.P. Adsule, APP for Respondent-State in ABA.892 of 2015.
Mr. S.S. Pednekar, APP for Respondent-State in ABA.893 of 2015
Mr. Arfan Sait, APP for Respondent– State in ABA.921 of 2015.
IO. Mr. Sakharam Choskar (PSI), Kamothe police station, Raigad present.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 20, 2015

PC.:

. The applications are moved for pre arrest bail by these three applicants/accused. All these three applications are heard and decided together as the applicants/accused are facing charges for the offences punishable under Sections 452, 380, 427, 504, 506 and 507 read with 34 of the Indian Penal Code in C.R. No. 22 of 2015 registered with Kamothe police station, Raigad.

2. It is the case of the prosecution that the complainant is running a shop and her husband has taken this shop on leave and licence basis from one Bhavri Devi. However, she did not execute any written contract/deed. The informant is in possession of the said shop. The informant paid Rs. 1,65,000/- to one of the applicants/accused Bhagaram Kharawal to pay it to Bhavri Devi. However, in August, 2013 Bhagaram Kharawal and Manoj Jain pressurized the informant to vacate the said premises. Thereafter in October, 2014 again the attempt was made and she was threatened by the

applicants/accused. However, she issued notice through her advocate on 27th August, 2014 and filed a Civil Suit against Bhavri Devi. On 23rd January, 2015 she was informed that the lock of the shop was broke opened. When she went to her shop at Kamothe, she found that one of the applicants/accused Ramesh Mhatre was present there. He questioned her that why they are removing the lock. When the informant entered in the shop, she found that the articles were taken away and the furniture was on the mezzanine floor. She found that the articles were stolen. Therefore, she gave complaint to the police for theft of the articles to the tune of Rs. 3,17,000/-.

3. The learned counsel for the applicants/accused submits that the applicants/accused are innocent. They have not committed any offence. The shop in fact was given on leave and licence basis to the husband of the complainant and he had subsequently surrendered the shop to the original land lady and the present complainant is occupying the shop illegally. He submitted that the applicants/accused are not concerned with these transactions. He prayed for pre arrest bail.

4. The learned prosecutor opposed the applications. They submitted that a specific role is attributed to the applicants/accused.

5. On perusal of the first information report and on hearing the submissions of both the parties, it appears *prima facie* that the applicants/accused are threatening the complainant for the possession of the shop. The complainant has filed a Civil Suit in respect of the said premises and therefore the issue of the title and the possession will be decided by the competent Civil Court. In view of this, I am inclined to grant pre arrest bail to the applicants.

6. Hence, I grant anticipatory bail as under:

a) In the event of arrest, the applicants/accused be enlarged on bail upon furnishing P R. Bond in the sum of Rs. 20,000/-(Twenty Thousand) each with one or two solvent surety/s in the like amount;

b) The applicants/accused shall cooperate with the investigating officer and shall attend the concerned police station once in a week on every Thursday in between 4 pm to 6 pm till filing of the charge sheet.

c) The applicants/accused shall not indulge in any other criminal activity or pressurize the complainant or her relatives in respect of the possession of the said shop.

7. All the three applications stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)