

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1012 OF 2015

Usha Ashok Patil

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Ankush Dhokle i/b Mr. Keshav Chavan for Applicant

Ms. A. T. Jhaveri APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 20th JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending her arrest in crime no. 32 of 2015 registered at Trombay Police Station for offence punishable under sections 465, 466, 467, 468, 471, 448, 420 r/w 34 of Indian Penal Code.

2) It is the case of prosecution that on 10/02/2015, Vijay Jadhav, Supervisor of Property Department lodged a report at the police station alleging therein that in January 2014, office had received the information that some people have encroached in building no. 5, 6 & 7 at Mankhurd. That they have encroached upon the property on the basis of fabricated documents.

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They obtained the list of trespassers. One of them happens to be husband of present applicant. At the time when the officers visited the said premises, present applicant was at home.

3) Learned counsel for the applicant rightly submits that applicant herein had only accompanied her husband when he had taken the alleged possession of the said tenement. That she has no knowledge as to how her husband had obtained the possession of the said premises, but on the day of the raid, present applicant was illegally found in the possession of the said premises.

4) Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is of the opinion that applicant deserves grant of pre-arrest bail. However, 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, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

- (iii) Applicant shall report to concerned police station as and when called and co-operate with the investigating agency to the best of her capacity.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)