

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1047 OF 2015

Mr. Holland Gonsalves	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr.A.M.Saraogi,Advocate,for the applicant.

Ms. P.P.Shinde, APP, for the State.

Mr. Rane, PSI L.T. Marg Police Station, Mumbai, present.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 24th July, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.

The applicant herein is apprehending his arrest in Crime No.222 of 2015 resisted with L.T. Marg Police Station on 8.6.2015 for the offences punishable under Sections 448, 323, 504, 506 of IPC.

2. It is the case of the prosecution that the complainant Mrs. Mohini Sakla lodged a report at the police station alleging therein that she was running a shoe shop along with her son. The applicant happens to be the Secretary of Divar Care Club. The Trust owned a building known as “Divar Mansion”. It is alleged by the complainant that the applicant was claiming to be the owner of Divar Mansion and had also fixed a board to

that effect. The complainant had put up a shed of Tarpaulin near the said building. It is alleged that the present applicant had complained about it to the Municipal Corporation and that on 8.6.2015, the Corporation had removed that encroachment. It is alleged that after the encroachment was removed by the Corporation, the applicant had entered into the house of the complainant to find out the steps taken by the Municipal Corporation in the course of removal of encroachment. The complainant tried to resist. The applicant alleged to have pushed her son Trilokchand. It is alleged that the applicant had committed an offence of criminal trespass.

3. The learned counsel for the applicant submits that the registration of this offence is only to seek the personal vendetta because the encroachment was removed at the behest of the present applicant. In view of this, the applicant deserves pre-arrest bail.

4. The observations are prima facie in nature and shall not be considered for the purpose of quashing of of FIR, discharge application or at the time of trial since it is restricted to application under Sec. 438 of Cr.P.C.

ORDER

(i) In the event of his arrest, the 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.

(ii) The applicant shall report to the concerned police station on three consecutive Sundays between 10 a.m. to 1.p.m. and co-operate with the investigating agency to the best of his capacity.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)