

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1127 OF 2015**

1. Tushar Chintaman More,
2. Chintaman Pandu More,
3. Dr. Vinit Chintaman More
4. Praful Dhondiram Mahadik

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. D. V. Godbole i/b Mr. Govind K. Sankpal for the Applicants

Mrs. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26TH AUGUST, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-494 of 2015 registered with the Mahatma Phule Chowk Police Station, Kalyan, Thane for the alleged offences punishable under Sections 143, 144, 147, 148, 323, 324, 326, 395, 504, 506 and 34 of the Indian Penal Code, 1870.
3. Learned Counsel for the applicants states that there are cross cases filed by the parties who are cousins, with respect to the same

incident. The dispute between the parties arises over a gala. He submitted that the complainant-Sachin Ranjane lodged an FIR on 18th May, 2015, which was registered vide C.R No. I-494 of 2015 with respect to an incident which took place on 17th May, 2015. According to the complainant-Sachin Ranjane, he had taken a gala on rent from Dr. Hemant More. It is alleged by the complainant that when he, Dr. Hemant More and others were at the gala, the applicants along with 6-7 persons came there and obstructed them from opening the gala. The said persons claimed that the gala belonged to them. There was a hot exchange of words between them, each claiming ownership of the gala. The applicants are alleged to have abused and assaulted the complainant, Dr. Hemant More and others with fist and kick blows. Praful Mahadik and Vinit More are alleged to have assaulted Rohit Sony. It is alleged that the applicants snatched complainant;s gold chain worth Rs. 1,30,000/-.

4. According to the learned Counsel for the applicants, applicant No. 1 Tushar Chintaman More had also lodged a complaint with respect to the same incident, which was registered vide C.R.No. I-493 of 2015, as against five persons including the complainant-Sachin Ranjane,

Dr. Hemant More and others, alleging offences punishable under Sections 323, 324, 397, 337, 143, 144, 147, 148, 506, 511 r/w 34 of the IPC. According to the learned Counsel for the applicants, a false complaint has been lodged against the applicants, by the complainant in collusion with Dr. Hemant More.

5. Perused the papers. The root cause of the dispute is a property dispute over gala No. 3. Both parties are claiming ownership and it appears that civil proceedings are pending between the parties regarding the said gala. The incident of 17th May, 2015 is an outcome of the said dispute. Both parties have filed cross cases with respect to the said incident. Both, Sachin Ranjane and Dr. Hemant More have been granted pre-arrest bail by this Court vide order dated 29th July, 2015 (page 90 of ABA/1126/2015). Considering the peculiar facts of this case, the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the 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 concerned Police Station on every Sunday between 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet;

(iii) The applicants shall cooperate with the investigating agency and shall not tamper or attempt to influence the witnesses or intimidate any person concerned with the case.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.