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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1253 OF 2015

Poornima Laxman Naik and Anr.	... Applicants
Vs	
The State of Maharashtra	... Respondent

Mr.Milan Desai i/b Ms.Mamta Tripathi, for the Applicants.

Mr.S.S.Pednekar, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 25th AUGUST, 2015

P.C. :

1. Heard learned counsel for the Applicants and learned APP for the Respondent - State.

2. By this Application, the Applicants seek pre-arrest bail, in connection with C.R. No. 256 of 2015, registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 452, 509, 504, 506, r/w 34 of the Indian Penal Code.

3. There appears to be a long standing dispute between the complainant and the applicants. It appears that an FIR was lodged by the present applicants with the Charkop Police Station, Mumbai in the year 2008 being C.R. No. 256 of 2008 alleging offences punishable under Sections 354, 452, 504, 323, 506, r/w 34 of the Indian Penal Code. In the said case, after investigation, charge-sheet was filed as against the complainant in the present C.R. i.e. C.R.No.256 of 2015 and other accused. It appears that after loding of the said FIR, there was further hostility between the parties.

4. According to the learned counsel for the applicant, when the case was ripe for recording of the evidence of C.R of 2008 that the present C.R came to be lodged. Learned Counsel for the Applicants submitted that the present C.R has been lodged only with an intention to dissuade/intimidate the applicants from deposing in the case of 2008 and to malign the applicants. In the present C.R certain allegations have been made as against the applicants, that they had entered the house of the complainant, uttered bad words and made gestures. He submitted that even from a perusal of the complaint it cannot be said that an offence under Section

452 is made out.

5. Considering the long standing dispute and the animosity between the parties and the manner in which the complaint has been lodged, prima-facie, I am of the opinion that the possibility of false implication of the present applicants cannot be ruled out. In view of the aforesaid fact, the applicants deserve to be granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;
 - ii) The Applicants shall not in any way make an attempt to contact/contact and meet the complainant or any persons concerned with the case ;
 - iii) The Applicants shall co-operate in the conduct of the trial.
6. The Application is allowed and disposed of in above terms.
7. It is made clear, that the observations made herein are prima facie

and are confined to this application and the learned Judge to decide the case of 2008 and the present C.R. on its own merits, uninfluenced by the observations made herein.

8. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.