

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 942 OF 2015

Mrs. Gajra Kishan Butia

..Applicant.

Vs.

The State of Maharashtra & Anr.

..Respondents

Mr. Ashok Kumar Mishra for applicant.

Ms. S.S. Kaushik, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 15th December 2015.

P.C.

1 This is an application for cancellation of anticipatory bail granted to the respondent no.2 by the Additional Sessions Judge, Greater Mumbai in Anticipatory Bail Application No.1890 of 2014 by order dated 1.11.2014.

2 The crime bearing no.MECR No.70 of 2014 dated 3.5.2014 under Sections 416, 419, 420, 464, 465, 467, 471, 120-B read with Section 34 of the Indian Penal Code was registered with Tardeo Police Station, Mumbai. The respondent no.2 is the Secretary of the Nav-Maharashtra Nagar Co.op. Society Ltd. which was formed for rehabilitation under SRA

Scheme. It is the contention of the applicant that though she was eligible to be the member of the said Society and also eligible to get the premises in the said Society, the respondent no.2 with oblique motive did not give the allotment to the applicant. The applicant therefore was constrained to file a private complaint wherein the order dated 21.3.2014 was passed by the learned Additional Chief Metropolitan Magistrate, 4th Court, Girgaon, Mumbai under Section 156(3) of Cr. P.C. After the police lodged MECR No.70 of 2014, the respondent no.2 being apprehensive of his arrest filed the said Anticipatory Bail Application No.1890 of 2014. The Trial Court after taking into consideration various aspects of the present case was pleased to allow the said application by its impugned order dated 1.11.2014.

3 Heard the learned Counsel for the applicant at length. The learned Counsel for the applicant submitted that not only the Appellate Authority under the SRA Scheme but the Konkan Divisional Commissioner has also upheld the eligibility of the applicant and despite the fact that by preparing false and fabricated documents, the respondent no.2 has allotted the premises for and in favour of Smt. Savita Acharekar. The learned Counsel for the applicant took me through various documents annexed to the present application. It is to be noted here that the said all

documents were before the Trial Court while passing the order dated 1.11.2014. It is the settled position of law and as has been enumerated in the judgment of Gurucharan Singh Vs. State (Delhi Administration) reported in 1978 AIR 179: 1978 SCR (2) 358 wherein the Supreme Court has held that the High Court will ordinarily not cancel the bail granted to an accused unless and until it comes to the conclusion that the order passed by the Trial Court is of perverse in nature. I have minutely gone through the entire documents produced before and the impugned order dated 1.11.2014 passed by the Trial Court. I am of the considered opinion that the learned Trial Court after taking into consideration various facets of the present case has granted anticipatory bail to the respondent no.2. I am further of the opinion that there is no perversity at all in the impugned order and the order passed by the Trial Court is well within the parameters of the settled principles of law.

4 In view of the above, I find no merits in the application and the same is therefore dismissed.

(A.S. GADKARI,J.)