

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1895 OF 2015**

Kiran Alias Chutki Alias Chabi

Suresh Kasbe

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Aarati Deshmukh I/b Mr. Ravindra B. Mungekar for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

API Mr. Mahendra Dadasaheb Dorkar from Bangurnagar Police Station is present

CORAM : REVATI MOHITE DERE, J.
SATURDAY, 17TH OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 302 of 2014 registered with the Bangur Nagar Police Station, for the alleged offences punishable under Sections 380, 420, 448, 454, 457, 465, 467, 468, 470, 471, 506(II) r/w 34 of the Indian Penal Code.

3. The complainant is one Sushila Bilakanthe, aged about 62 years. She has alleged that some time in September, 2014, her friend Nirmala had come to her house and was in need of Rs. 25,000/- urgently. She has alleged that as she did not have the said amount, she took a friendly loan from Chaya Shinde (applicant in Bail Application No. 1896 of 2015). She has stated that the said Chaya Shinde arranged for a sum of Rs. 56,000/-, pursuant to which, the complainant mortgaged her house. She has further stated that after paying her friend Nirmala a sum of Rs. 25,000/-, the balance amount was retained by her, for her own medical expenses. Thereafter, the complainant is stated to have approached Mrs. Zarina requesting her to arrange for Rs. 56,000/-. Mrs. Zarina is stated to have helped the complainant to repay the loan to Chaya Shinde, pursuant to which, the mortgaged documents of complainant's house were handed over back to the complainant. In November, 2014, as the complainant was not in a good health, she requested Vaishali Shinde (daughter of Chaya Shinde) for help, pursuant to which, Vaishali Shinde agreed to keep her at her residence. It is alleged that during the course of providing medical treatment, Vaishali Shinde informed the complainant about one Institute from where the complainant would get financial

assistance for her medical treatment. Trusting the said Vaishali Shinde, the complainant accompanied Vaishali Shinde and one Sachin Sonavane to the said Institution. It is alleged by the complainant that being illiterate, she signed on some Membership Form and submitted certain documents as demanded by Vaishali Shinde and Sachin Sonavane. She has stated that believing them, she handed over a signed copy of the said form along with all personal documents like Ration Card, Pan Card, Aadhar Card, etc. On 16th November, 2014, when Vaishali Shinde found the complainant's health to be serious, she admitted her at Shivam Hospital at Charkop, Kandivali. On 22nd November, 2014, the complainant was discharged from the hospital pursuant to which, she returned back to her own house, only to find that the lock of her house was broken and some third person i.e. the present applicant was staying there. On questioning the applicant, she learnt that the said premises was rented to him by Vaishali Shinde. Pursuant to the aforesaid, a complaint was lodged by the complainant.

4. Learned Counsel for the applicant states that the applicant had taken the premises on rental basis from a friend of Vaishali Shinde. She submitted that the applicant had no knowledge as to whom the premises

belonged to, as he had taken the said premises on rent and had absolutely no knowledge that the same belonged to the complainant. She further submits that there are no allegations of forgery and fabrication of documents qua the present applicant.

5. Learned A.P.P does not dispute the fact that the applicant was in possession of the premises, as he was put in possession of the same by the paramour of Vaishali Shinde.

6. Perused the papers. It appears from the FIR, that the applicant was not known nor had he ever interacted with the complainant. The applicant had taken the complainant's premises on rent from the paramour of Vaishali Shinde/Vaishali Shinde. Investigation is complete and charge-sheet is filed. Considering the aforesaid, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m, for a period of six months from the date of his release;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial;
- (vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.