

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.230 OF 2016

Satyaprakash Kripashankar Singh ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Sunil Kumar a/w Manoj Singh i/b Kumar & Associates for the Applicant
Ms.M.H. Mhatre, APP, for Respondent – State
Mr.A.M. Rane, PSI, Charkop police station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 14, 2016**

P.C.:

1. This application is moved for pre-arrest bail by the applicant-accused who is facing charges under sections 120B, 404, 448, 141, 143, 145, 341, 504, 506(1) and 427 of the Indian Penal Code at C.R. No.14 of 2016 registered with the Charkop police station, Mumbai. It is the case of the prosecution that the applicant-accused has forcefully entered the room owned by the complainant. Though, earlier, he was residing there on leave and licence basis, he has prepared a forged document of Memorandum of Understanding between the complainant and the applicant-accused that she agreed to sell that room to the applicant-accused. It is the case of the prosecution that on 8.1.2016, the applicant-accused alongwith some other persons broke open the room and entered

unauthorisedly and removed the complainant from the room forcefully and hence, the offence is registered. Hence, the offence is registered.

2. The learned Counsel for the Applicant has relied on one Memorandum of Understanding dated 10.10.2012 and submitted that this Memorandum of Understanding was executed between Asha Jaydev Dave, the complainant, and the applicant-accused wherein the complainant promised to sell the said room for Rs.30 lakhs to the applicant against which, he had paid Rs.10 lakhs in cash. It is submitted that only because the rates of that area have escalated, the complainant wants more money and she refused to proceed with the further transactions.

3. Learned Prosecutor while opposing the Anticipatory Bail Application, submitted that the complainant has denied this Memorandum of Understanding. It is a forged document. She relied on the police report and submitted that the applicant-accused is a criminal and nearly eight offences are registered against the applicant-accused since 1998 till 2015.

4. Perused the FIR, the documents and also the police report dated 14.3.2016 submitted by the learned Prosecutor. It appears that the execution of the Memorandum of Understanding, which is relied on by the applicant-accused, is refused by the complainant. It is submitted that it is a forged document. Prima facie, it appears that the investigation in respect of that is necessary and for the said purpose, the custody of the

applicant-accused is required. Moreover, the applicant-accused appears to be a criminal, having criminal antecedents as 8 cases registered against him and similar type of offences under sections 452, 487, 427, 323, 324, 387 and 406 are registered against him.

5. In these circumstances, the Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)