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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.734 OF 2016**

Ishaan Randeria

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.Mahalakshmi G a/w Ms.Dimple Majithia i/b Mr.Jayakar and Partners,
for the Applicant.

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

PSI - Jyotiram N., Amboli Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th JULY, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 132 of 2016 registered with the Amboli Police Station, Mumbai, for the alleged offences punishable under Sections 354, 509 of the Indian Penal Code.
3. According to the complainant, she is a tenant of Gala no.4,

Nirmal Housing Society, Solitaire Building, Azadnagar, Veera Desai Road, Mumbai. According to her, she had taken the said premises from the applicant's mother, on Leave and Licence Basis for a period of 3 years commencing 1st October, 2014. It is alleged by the complainant that on 31st March, 2016, when she was out of town, an unidentified person visited the shop, removed all the belongings of the complainant and put it in a tempo, pursuant to which, a complaint was lodged by the complainant. According to the complainant, on 5th April, 2016, at about 2.30 p.m., she had instructed one Mr. Istriwala to visit the shop, who informed her that the applicant, his mother and some unidentified person had opened the lock of the premises and had thrown her belongings out of the said premises. She has further alleged that about 3.15 p.m., she came to the said shop along with her mother and saw the unidentified person throwing her articles. She has alleged that the applicant used foul language and abused her and her mother and that the applicant touched her shoulder and pushed her.

4. Learned Counsel for the applicant submits that there are several disputes between the complainant, a tenant, and the applicant's mother, who had given the said premises, to the complainant on Leave &

Licence. She submitted that pursuant to a complaint lodged by the applicant's mother, the BMC had demolished the illegal construction carried out by the complainant. She submitted that the allegations against the applicant are false and baseless.

5. Perused the papers. There appears to be several disputes between the complainant (tenant) and the applicant's mother (owner) with respect to the premises. It appears that complaints were made by the applicant's mother to the BMC about the illegal construction carried out by the complainant, pursuant to which the BMC authorities visited the premises and demolished the illegal construction. It also appears that a notice dated 30th September, 2015 was sent to the complainant asking her to vacate the said premises.

6. Considering the nature of allegations made against the applicant, the custody of the applicant is not required and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on

furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

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

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

REVATI MOHITE DERE, J.