

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1580 OF 2016

Preeti Rajesh Dube

.....Applicant

V/s.

The State of Maharashtra

....Respondent

AND

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1593 OF 2016

Amitprakash Awanish Pandey

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep S. Patil Advocate for Applicant in ABA 1580 of 2016

Mr. Nilesh bagade Advocate for Applicant in ABA 1593 of 2016

Ms. Veera Shinde APP for the State in ABA 1580 of 2016

Mr. S. H. Yadav APP for the State in ABA 1593 of 2016

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 30, 2016.

PC :

1) Heard. These are applications under section 438 of the Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 32 of 2016 registered at Khargar Police Station for offences

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punishable under sections 420, 452, 323, 504, 506, 427, 143, 147, 149, 380 and 395 of the Indian Penal Code.

2) It is the case of the prosecution that the complainant who is a Secretary of Deepak Chawla, lodged a report at the police station on 07/02/2016 alleging therein that he had purchased the flat from one Ms. Simran Mishra and had paid her a considerable amount. There was some dispute over the said transaction. On 02/02/2016, Simran Mishra, her mother, some unknown persons, applicant who is an Advocate and her junior colleague who is applicant in Criminal Anticipatory Bail Application No. 1593 of 2016 have been to the house of the complainant and had started banging the door. It is alleged that the said persons were demanding the possession from the complainant as they had not executed the sale deed. That they had caused damage to the property. It is alleged that the entire act was being done on the instructions of the Advocate Ms. Preeti Dube and her junior colleague whose images are captured in the CCTV footage. It is pertinent to note that the complainant had apprehended the danger and had called upon the police who had reached the spot within no time. That the images would also show that the police were present at the time of incident.

3) The learned counsel for the applicants submits that Simran and her mother were denied pre-arrest bail by this Court and they had approached the Hon'ble Apex Court. The Hon'ble Apex Court, by an order dated 29/08/2016 had granted pre-arrest bail in favour of Simran Mishra and her mother. The learned counsel for the applicants submits that applicants herein were only accompanying Simran and no offence as alleged by the complainant had occurred. That they had not entered the house nor caused damage to the property. It is also submitted that applicants herein would claim pre-arrest bail by virtue of doctrine of parity as principal accused Simran and her mother have been granted pre-arrest bail by the Hon'ble Apex Court.

4) Hence, applicants deserve pre-arrest bail. However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Applications are allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount.

(iii) Applicants shall report to the concerned police station as and when called.

(iv) Applications stand disposed of.

(SMT. SADHANA S. JADHAV, J.)