

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2175 OF 2016

Aman Navin Yadav

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep S. Patil Advocate for Applicant.

Mr. Y. M. Nakhwa APP for the State.

Mr. Shrikant Shinde, A.P.I. Kharghar
Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 23rd NOVEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 12/09/2016 in crime no. 32 of 2016 registered at Kharghar Police Station for offence punishable under sections 420, 452, 323, 504, 506, 427, 143, 147, 149, 380 of the Indian Penal Code.

2) It is the case of the prosecution that 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

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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. The accused Priti Dubey and Amit Pandey have been granted pre-arrest bail by this Court vide order dated 30/09/2016.

3) The learned counsel for the applicant submits that applicant is a student and was accompanying Simran Mishra, her mother and some unknown persons. It is submitted that presence is not denied as the applicant was the

ex-student of the mother of Simran Mishra and was taking tuitions with her and had been to the house only to visit her.

4) Taking into consideration the papers of investigation, allegations levelled against the applicant and the role attributed to him, this Court is of the opinion that the applicant deserves to be enlarged on bail. It is made clear that observations made herein above are prima facie in nature and restricted to consideration of an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall report to the concerned police station on every Sunday between 10.00 a.m. to 12.00 noon till the filing of the charge-sheet.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)