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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4346 OF 2015

Bholanath S. Pathak

..Petitioner.

V/s.

State of Maharashtra

..Respondent.

Mr.M.I. Sharma for the petitioner.

Mr. J.P.Yagnik, APP for respondent-State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 1ST FEBRUARY, 2016

P.C. :-

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is the owner of the premises namely, Room No.412 in the building known as "Pathak Villa" at Kapol Niwas, Gopchar Pada, V.S. Marg, Virar (East), Taluka Vasai, District Palghar. The petitioner's licensee Rajnikant P.Pandya was murdered and the whereabouts of his wife is not known. The period of licence has also expired in the month of July, 2015. The petitioner is not an accused in the F.I.R. registered at Virar Police station, Taluka Vasai, District Palghar for the

murder of Rajnikant Pandya. The said premises is under the lock and key of the Virar police station. In the circumstances, we direct the Senior Police Inspector, Virar police station, Taluka Vasai, District Palghar to hand over the keys of the premises to the petitioner on the following conditions :-

- (i) That the petitioner shall give an undertaking that he will restore the keys of the said premises in case there is any future dispute;
- (ii) That the petitioner shall preserve the furnitures in the said premises which admittedly belongs to the said licensee Rajnikant Pandya and deliver the same to the widow of Rajinkant Pandya in case she comes forward and claims the same within a period of one year from the date of taking the possession of the said premises by the petitioner;
- (iii) The petitioner shall also execute an indemnity bond in the sum of Rs.50,000/- to indemnify any claim which may arise in future;
- (iv) Subject to the above the petition is disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)