

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1308 OF 2018

Devram Rama Sanap & Anr.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Mr. S.S. Karmarkar a/w Supriya Maurya for the Applicants.

Ms. J.S. Lohokare APP, for the Respondent-State.

Mr. Naik, API, Kurar Police Station, Mumbai.

CORAM : A. S. GADKARI, J.

DATE : 1st AUGUST, 2018.

P.C.:-

The Applicants are apprehending arrest in CR No. 352 of 2017 dated 14th September, 2017 registered with Kurar Police Station, Mumbai under Sections 406, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 The first information report is lodged by Shri. Shrirang Sanap, the real brother of the Applicant No.1 and the uncle of Applicant No.2, alleging that, the Applicants by fabricating an affidavit and forging the signature of the informant, transferred,

Room No.7 situated at Nadiyadwala Chawl, Ambewadi, Kurargaon, Malad (East), Mumbai and the electricity meter therein, in their name.

4 The record indicates that, there was a dispute pertaining to the ownership of the said room between the informant and the Applicant No.1. That, the Applicant No.1 and the first informant had therefore, lodged their respective Applications/Complaints dated 19th October, 2016 and 18th October, 2016 with the Deputy Collector (Encroachment) Malad, over the said issue. That, the concerned Authority, on 15th December 2016, passed order in favour of the Applicant No.1 and rejected the Application of the first informant. The first informant, thereafter, preferred an Appeal bearing No. 1348 of 2016 before the first Appellate Authority i.e. the Additional Collector (Encroachment) Western Suburbs, Mumbai on 6th December 2016. That, the first Appellate Authority rejected the Appeal preferred by the first informant by its order dated 7th September, 2017. That, after rejection of the first Appeal, it appears that, the informant has lodged the present crime on 14th September 2017 with the afore-stated allegations.

It is to be noted here that, the first informant thereafter preferred further Appeal bearing No. 258 of 2017, before the

Grievance Redressal Committee, Mumbai Suburban, Mumbai under Section 35(1A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. The record further indicates that, the said Appeal has also been rejected by the concerned Authority by its Order dated 21st June, 2018.

5 Thus, it is clear that, as the first informant could not succeed before the first two Authorities about the ownership of the Suit property against the Applicant No.1 herein, he as an after thought has lodged the present crime. It further appears that, the present crime has been lodged only with a view to harass the Applicants and to bring them for settlement across the table. The record of investigation indicates that the alleged forged affidavit has already been seized by the police.

6 In view of the above, the Applicants deserve to be protected by pre-arrest bail.

Hence, the following order-

- a) In the event of arrest in CR No. 352 of 2017, registered with Kurar Police Station, Mumbai, the Applicants shall be released on bail on their furnishing PR bond of Rs. 15,000/- each with one or

two separate local sureties in the like amount.

- b) The Applicants shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- c) Application is allowed in the aforesaid terms.

S S
Mashalkar

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by S S Mashalkar
Date: 2018.08.09
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(A.S. GADKARI, J.)