

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1016 OF 2019

Shantidevi Ramapati Dubey & Anr.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.Ashutosh Kaushik i/b. Kaushik & Co. for Applicant.
Mr.S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 26th April 2019.

P.C. :

1] The applicant is apprehending arrest in connection with M.E.C.R. No.326 of 2018 dated 04/07/2018 registered with Borivali Police Station, Mumbai, for the offence punishable under Section 354, 509, 504, 506, 420, 465, 467 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The first information report is lodged by Smt.Sushila Dubey.

It is the prosecution case that, the suit premises in-question

was originally rented in the name of her husband and after the death of her husband, it is alleged that, the applicants herein by using forged and fabricated documents got it transferred in their name and the applicants are conducting a canteen in the said premises. It is alleged that, the said transfer of name or change of name in Municipal Corporation record has taken place in the year 1995. It is further alleged that, when the informant had been to the applicant's place, the applicants abused her in filthy language and droved her out.

4] The record of investigation indicates that, the suit property was transferred in the name of the applicants after following due procedure under the law and the change of name in the record of Mumbai Municipal Corporation pertaining to the Gala No.1, BMC Market, Borivali, Mumbai (West) has been effected after complying with all necessary formalities. Even otherwise, *prima-facie*, it appears that, there is delay of more than 20 years in lodging the present crime, as the alleged transfer has taken place in the year 1995. The Investigating Officer has already seized documents from the Mumbai Municipal Corporation.

The applicant No.1 is a women and aged about 75 years.

5] In view of the above and according to this Court, the custodial interrogation of the applicants for further investigation of the present crime is not necessary and the applicants can be protected by pre-arrest bail.

Hence, following order :-

- (i) In the event of arrest in M.E.C.R. No.326 of 2018 dated 04/07/2018 registered with Borivali Police Station, Mumbai, the applicants shall be released on bail on their furnishing PR bond in the sum of Rs.15,000/- each, with one or two local sureties in the like amount.
- (ii) Applicants shall not tamper with the evidence and/or interfere with the process of investigation.
- (iii) Applicants to cooperate with the process of investigation.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]