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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1520 OF 2019

Sultan Lal Patel	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

WITH
SUO MOTU APPLICATION NO.2 OF 2019

High Court on its own motion	]	
Vs.		
Sultan Lal Patel	]	Contemnor

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Ms. Pulwa Jain holding for V.K. Dubey, for the Applicant.

Ms. P. P. Shinde, , A.P.P for the Respondent - State.

PSI – Nityanand Ubale, Dindoshi Police Station.

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CORAM : REVATI MOHITE DERE, J.

DATE : 18TH OCTOBER, 2019.

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 278 of 2019, registered with the Dindoshi

Police Station, Mumbai for the alleged offences punishable under Sections 420, 465, 467, 468, 471, 506 r/w 34 of the Indian Penal Code.

3. On 19th July, 2019, learned Counsel for the applicant, on the instructions of the applicant had submitted that the applicant without prejudice to his rights and contentions was ready to handover the premises to the complainant within four weeks. Learned Counsel for the applicant had also filed an affidavit of the applicant which was taken on record and marked 'X' for identification.

4. As the applicant had not complied with his affidavit-cum-undertaking and had not contacted to his Advocate, interim relief granted to the applicant was vacated on 22nd August, 2019 and show cause notice was issued to the applicant why contempt proceedings should not be initiated against him for breach of the undertaking. Pursuant to which, suo motu notice was issued to the applicant and the application was numbered as Suo Motu Application No. 2 of 2019.

5. Subsequent thereto, i.e on 12th October, 2019, the applicant handed over keys to the Investigating Officer which were taken under a Panchnama. Today, learned Counsel for the applicant states that the

applicant has also paid the electricity and water charges which were due during the period when he was residing in the said premises. Statement accepted.

6. It is the case of the complainant, that he was the owner of Room No.571 at Kumbhar Chawl, Squatters Colony, Near Lucky Restaurant, Malad (East), Mumbai. According to the complainant, he had rented the said premises on leave and licence basis for three years to one Mr. Shahne Alam Hussain Qureshi for an amount of Rs.18,000/- per month.

7. It appears that thereafter some forged documents were prepared by Jafer Shaikh, pursuant to which, the applicant was put into possession. Learned Counsel for the applicant disputes the same. Be that as it may, as the applicant has vacated the premises and paid the bills i.e electricity and water charges, during the period he was in occupation of the same, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions;

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/-, with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called;

8. The application is accordingly disposed of.

9. Since, the applicant has now complied with his undertaking-cum-affidavit, the suo motu application No. 2 of 2019 does not survive. The same is disposed of.

10. All the concerned to act upon authenticated copy of this order.

[REVATI MOHITE DERE, J.]