

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO. 1636 OF 2019**

|                                 |                |
|---------------------------------|----------------|
| Rekha Pankaj Kamdar             | ...Applicant   |
| Versus                          |                |
| The State of Maharashtra & Anr. | ...Respondents |

Mr. Satish Ghorpade I/b Mr. Vishal M. Deshmukh for the Applicant

Mr. A. A. Palkar, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE, J.**  
**THURSDAY, 22<sup>nd</sup> AUGUST 2019**

**P.C.**

1            Heard learned counsel for the parties.

2            By this application, the applicant, aged 60 years, seeks pre-arrest bail in connection with C.R. No. 273 of 2019, registered with the Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 452, 448, 341, 323, 504, 506 and 34 of the Indian Penal Code.

3            Perused the papers. The applicant is the owner of Flat No.8/33, Verma Nagar, Old Nagardas Road, Near Chinai College, Andheri (East), Mumbai – 400 069. He submits that the applicant had given the said flat on

leave and license basis for 33 months, to the complainant, by executing a Leave and License Agreement on 16<sup>th</sup> May, 2017. He submits that on 6<sup>th</sup> October, 2018, the applicant sent a notice to the complainant asking the complainant to vacate the flat, as the rent was not being paid on time. It appears that two notices were sent by the applicant to the complainant to vacate the flat. Learned counsel submits that the complainant, instead of paying the rent, filed a case in the Small Causes Court, as against the applicant. It is the case of the complainant that on 30<sup>th</sup> May, 2019, at about 10.00 p.m., the applicant alongwith her son and daughter-in-law, entered the house given on rent to the complainant, by breaking open the lock and kept the complainant's articles out of the house. Learned counsel for the applicant submits that in the given facts, the custodial interrogation of the applicant is not necessary.

4            On 25<sup>th</sup> July 2019, the applicant was granted interim protection and was directed to report to the Investigating Officer. Learned A.P.P states that the applicant has reported as directed.

5            Having regard to the aforesaid facts, custodial interrogation of

the applicant is not necessary. Accordingly, the application is allowed and the interim protection granted vide order dated 25<sup>th</sup> July 2019 is confirmed on the following terms and conditions :

**ORDER**

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall not tamper the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.

6 The application is disposed of on the aforesaid terms.

7 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

8 All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**