

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

ANTICIPATORY BAIL APPLICATION NO. 1890 OF 2019

Praful Pratap Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Sameer Khedekar a/w Mr. Rishi Bhatt I/b Mr. Samadhan Kashid for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 1st 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. 253 of 2019 registered with the Agripada Police Station, Mumbai, for the alleged offences punishable under Sections 457, 448, 341 and 34 of the Indian Penal Code.

3 Learned counsel for the applicant submits that the applicant is the nephew of the complainant-Vandana Pansare. It appears that the room in question which is the subject matter of dispute, stands in the name of the

complainant-Vandana Pansare. Learned counsel for the applicant had tendered an affidavit-cum-undertaking of the applicant, which was taken on record and marked 'X' for identification. In the said affidavit-cum-undertaking, the applicant has undertaken not to enter the property in question i.e. room No. 145/54, Pansare Building, S. G. Marg, Chinchpokli, Mumbai, till an appropriate order is passed by a competent Court. The applicant was present in Court on the last date. He stated that he will not enter the premises till a competent Court of Law permits him to enter the said premises and that he would adopt appropriate proceedings in connection with the suit property. He further undertook not to instigate any person to enter the suit property on his behalf. Accordingly, his statement was accepted. The applicant has reported to the Investigating Officer as directed by this Court vide order dated 30th August 2019.

4 Having regard to what is stated aforesaid and in particular, the affidavit filed by the applicant, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and the interim order dated 30th August 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.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, till the filing of the charge-sheet;

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

(iv) The applicant to cooperate with the investigation.

5 The application is accordingly disposed of in the aforesaid terms.

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

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

REVATI MOHITE DERE, J.