

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

CRIMINAL BAIL APPLICATION NO. 2672 OF 2019

Ashok Natwarlal Sanghavi ...Applicant

Versus

The State of Maharashtra ...Respondent
...

Mr. Manish Bohra i/by A.S. Khan and Associates,
Advocate for the Applicant.
Ms. J.S. Lohakare, A.P.P. for the Respondent-State.
...

CORAM : SANDEEP. K. SHINDE, J.
DATE : 19th NOVEMBER 2019.

P.C.

1 Heard learned counsel for the applicant and
learned A.P.P. for the Respondent - State.

2 Applicant is seeking his enlargement on bail
in Crime No. I - 397 of 2019 registered with the
Dindoshi Police Station, for the alleged offences
punishable under Sections 395 and 450 read with
Section 120-B of the Indian Penal Code, 1860.

3 It is alleged on 10th August 2019 at 16 hrs., the applicants' son and 15-12 unknown persons committed robbery of valuables worth Rs. 2,50,000/-.

4. Before adverting to the accusations, it may be stated, the complainant is occupying flat no. 302 (a licensed premises) in terms of leave and license agreement dated 15.03.2017, of which, Keshubai S. Rajput is a licensor / owner. Agreement shows complainant / licensee, deposited Rs. 50,000/- with the licensor, as a security deposit. Leave and license agreement was in force till 14.02.2018. Complainant did not vacate the licensed premises, thus, licensor lodged a complaint with the Dindoshi police station against the licensee who threatened him of dire consequences, if he makes efforts to evict him.

5. In the back drop of these facts, it is alleged on 10.08.2019 at 16 hrs. son of applicant (Nayan Sanghvi) attempted to trespass the licensed premises, and forced him to vacate the flat. He

alleged when his son call 100 number the applicants' son and others ran away. He alleged, in the course of his forcible eviction, he found a cub-board lock was broke open and robbed valuable / cash worth of Rs. 2,50,000/-.

6. The complainant further alleged, the applicant is a Estate Broker to whom he paid Rs. 10 Lacs cash as a security deposit for the licensed premises. He alleged, the applicant did not renew the license period and avoided to execute another agreement.

7. Leave and license agreement shows, the applicant had deposited Rs. 50,000/- as a security deposit with Mr. Rajput. The license period expired on 14.02.2018. On 17.04.2019, licensor lodged a complaint against the licensee.

8. It may be stated that the applicant's son (Nayan Sanghvi) is released by this Court in ABA No.2229/2019. Even otherwise, in the complaint, it is

not alleged that the applicant was present on 10.08.2019. Applicant is senior citizen. His presence for trial can be secured by imposing conditions.

9. Thus, the following order ;

ORDER

(i) The applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with the one or more sureties in the like amount;

(ii) The applicant shall cooperate in the investigation and report to the concerned police station as when called by the Investigation Officer;

(iii) The applicant shall furnish particulars of his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the

Investigating Officer;

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

10. The application is allowed in the aforesaid terms and conditions.

11. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(SANDEEP. K. SHINDE, J.)