

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2501 OF 2018

Valentine Francisco Silveira & Anr.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.Veerdhawal Deshmukh for Applicant.
Mr.R.M. Pethe, A.P.P. for Respondent-State.
Mr.Sawant, PSI, Versova Police Station, Mumbai.

CORAM : A.S. GADKARI, J.

DATE : 3rd May 2019.

P.C. :

1] As observed in order dated 6th December 2018, *prima-facie*, it appears that, Section 436 of the Indian Penal Code is not applicable to the present case. As far as Section 65(e) of the Bombay Prohibition Act, 1949, is concerned, the record indicates that, the applicant had given his premises to Mr.Rohan Ahire by way of Conducting Agreement dated 29th October 2017 and he was in possession of the said premises thereafter.

2] In view thereof, interim relief granted by order dated 6th December 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

3] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]