

Vrushali Santosh Supalekar .. Applicant
versus
The State of Maharashtra .. Respondent
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CORAM: SMT. BHARATI DANGRE, J.
DATED : 3RD DECEMBER, 2020

1. By the present application, the applicant seek her release in anticipation of her arrest in C.R.No.552 of 2020 filed with Satara Taluka Police Station invoking Section 380 read with 34 of Indian Penal Code.

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ornaments, but record that this is a matter of investigation and in light of the allegations levelled, custodial interrogation is imperative.

3. With the assistance of the Learned Counsel for the applicant, I have perused the FIR in question as well as another C.R. No.0551 of 2020 filed by the applicant against the complainant on 20/10/2020 thereby invoking Sections 323, 451, 504, 506 of Indian Penal Code against the complainant. The case that can be discerned from reading of the two complaints is to the effect that the applicant is resident of Taluka Koregaon, District Satara and is serving in the Life Insurance Corporation and at the relevant time was posted at Pune. She had purchased flat No.A-106 in Adarsh Gharkul vide registered agreement dated 15/02/2013 and was put into physical possession of the said flat. The son of the complainant by name Ajinkya, who was also resident of the said scheme, approached the applicant with a request that since work of his Bunglow is in progress, he needs an accommodation for a short span of time for about 4 to 6 months and he would be grateful if applicant accommodates him. In good faith, the applicant permitted him to do so and this was done without any Leave and License Agreement since the parties had trust amongst themselves and the fact that it was for only for a short span of time.

4. In November, 2019, the applicant was transferred to

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Satara and therefore, requested that her premises be handed over to her by vacating the same. She was informed by the occupant Ajinkya that he would remove himself with his belongings within 2-3 days. In the month of March, 2020, he shifted and informed the applicant that the premises are ready to be occupied. She shifted to her flat and found some petty wares in the flat and since they were not significant articles, she shifted them to parking lot and informed the occupant about the same. It is alleged that on 20/10/2020 when the applicant alongwith her daughter was present in the house, the complainant Saraswati Mangesh Mohite, mother of Ajinkya, barged herself into the flat and indulged into a scuffle by averting that the flat belongs to her and how it is occupied by the applicant and her daughter. This resulted into registration of C.R.No.551 of 2020 at Satara Police Station by invoking the aforesaid offences of criminal trespass, 323, 504 and 506 of Indian Penal Code.

5. It is on the very same day, another FIR has been lodged by Saraswati by approaching the Police Station at around 19.39 hours and this according to the applicant is a counterblast to her FIR. It is alleged that Saraswati was occupying the premises as a tenant and applicant had agreed to sell the said flat to her for a consideration of Rs.15,00,000/- and out of which, Rs.10,00,000/- was paid in cash and Rs.5,00,000/- was remaining to be paid. It was alleged that her utensils and other

household articles were stolen by the present applicant by forcibly entering into the premises.

6. This is the background in which the contents of FIR and the allegations levelled against the present applicant will have to be looked into. The FIR invoke Section 380 of the IPC. It is alleged that the applicant alongwith her daughter had entered into the premises by breaking the lock and stolen the articles, the description of which is given as Rs.40,000/- in cash, gold ornaments worth Rs.1,20,000/- and two silver coins worth Rs.1,000/- and total amount is estimated to be Rs.1,61,000/-. It is alleged that this ornaments were removed from the house by the applicant by breaking open the lock.

7. Surprisingly, neither the agreement for sale of the flat nor any receipts for the gold or silver ornaments has been placed on record to support the version of the complainant. If it is alleged that there was theft of the ornaments, some proof ought to have been adduced by the complainant in order to inspire some confidence. The flat still stands in the name of the present applicant, but the Learned Counsel state that the complainant has unauthorizedly occupied the same and the applicant is taking appropriate steps for her eviction. Taking prima facie view of the entire scenario, the burden ought to have been discharged by the complainant to establish the case against the applicant by adducing some evidence, but unfortunately, the

Sessions Court also relied only on the oral version of the complainant without any proof being adduced. The applicant being owner of the said flat and in absence of the registered agreement being executed, the complainant had no any authority to enter to enter into the premises by taking advantage-of the concession granted in favour of her son for a short span of time.

8. Taking view of prima facie case, no custodial interrogation of the applicant is warranted. She is expected to co-operate with investigation and hence, entitled tot he following relief. Hence, the following order:

ORDER

(a) Application is allowed.

(b) In the event of her arrest, applicant – Smt. Vrushali Santosh Supalekar, shall be released on bail, in C.R.No.552 of 2020 registered with Satara Taluka Police Station, on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade her from disclosing the facts to Court or any Police Officer and should not tamper with

evidence.

(d) The applicant shall co-operate with the investigation and attend the Police Station as and when required by the Investigating Officer.

SMT. BHARATI DANGRE, J