

Mrudula Ashish Deosthale & Anr.	..	Applicants
Versus		
The State of Maharashtra	..	Respondent

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P.C:-

1. The two women, being mother and daughter, are seeking protection from their arrest in connection with C.R.No.441 of 2021 registered with Faujdar Chavadi Police Station, Solapur District, on a complaint filed by their tenant with whom the lease agreement was terminated few days back.
2. Applicant No.1 is a owner of one flat situated at Murarji Peth, Solapur, which was leased out to the complainant by a leave and license agreement dated 06/10/2018 for a period of 36 months. There was a default on the part of the complainant to pay the license fee and the maintenance amount for 8 months and the complainant admit that on account of some financial constraints, he was unable to pay the amount. This resulted in cancellation of the leave and license agreement by

a document executed on 11/05/2021 between the complainant and applicant No.1 and her husband wherein the complainant admit that he was unable to pay rent and permitted deduction of Rs.40,000/- from the security deposit and Rs.40,000/-, he agreed to pay in cash. In the said Deed, which is annexed with the application, it is recorded that the complainant has agreed to execute the Cancellation Deed and that he is removing his belongings from the said flat on the date of the agreement and he has no complaint.

3. The complainant, in the complaint lodged on 24/06/2021, allege that after the Cancellation Deed was executed, when he went to his rented apartment and was removing the belongings, he noticed that some of his articles, including gold and silver ornaments were missing. He inquired with applicant No.1, but she claimed ignorance. The list of belongings is cited by the complainant in the complaint and approximate value of the same is given as Rs.1,15,100/-. The allegation levelled is that between 21/04/2021 and 11/05/2021, the ornaments have been removed by the applicants' family, which included applicant Nos.1 and 2 and, thereby, the offence is registered under Section 380 read with Section 34 of the IPC.

4. *Prima facie*, the chronology of events would reveal that there was failure on part of the complainant to pay the rent and maintenance amount, which resulted in execution of Cancellation Deed of the leased out premises. If the ornaments

were found to be stolen on 11/05/2021 itself, there is no explanation offered why the complainant approached the police station belatedly and to be precise on 24/06/2021.

The relationship shared between the complainant and the applicants and the Cancellation Deed, which is executed, depict a strained relationship and delay in lodging the complaint create a doubt in the version of the complainant. Hence, the following order.

: ORDER :

- (a) The application is allowed.
- (b) In the event of arrest in C.R.No.441 of 2021 registered with Faujdar Chavadi Police Station, Solapur, applicant No.1-Mrudala Ashish Deosthale and applicant No.2-Pyumori Ashish Deosthale shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- each, with one or two sureties of the like amount.
- (c) The applicants shall mark their attendance before the Investigating Officer on every Monday and Friday between 2.00 p.m. and 5.00 p.m. for a period of six weeks and thereafter as and when directed.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

(SMT. BHARATI DANGRE, J.)