

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

ANTICIPATORY BAIL APPLICATION NO. 1006 OF 2021

1. Smt. Chandrakala Ghanshyam Tripathi
2. Smt. Indu Devi @ Inkala Dubey
3. Smt. Reeta Vijay Dubey ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Manoj S. Singh a/w Mr. Deepak K. Pathak i/b. MKS Legal Associates, Advocate for the Applicants.
Ms. M. R. Tidke, APP for the State-Respondent.
Mr. Mohite (P.S.I.) Samta Nagar Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 8th APRIL, 2021

PER COURT:

1. The applicants are apprehending arrest in C.R. No. 133 of 2021 registered with Samta Nagar, Police Station for offences under Sections, 452, 504, 506, 323 r/w Section 34 of Indian Penal Code (for short "IPC"). The First Information Report (for short 'FIR') was lodged on 14th March, 2021.

2. The complainant has alleged that, since 2010, he was occupying the premises as a licensee of Manojkumar Dubey. The Leave and License agreement was executed between them. Rent was paid to him regularly. He had also made deposit of Rs. 30,000/-.

Manojkumar Dubey had also obtained amount of Rs. 50,000/- from him. Thus, Rs. 80,000/- were to be refunded by Manojkumar Dubey to the complainant. On 14th March, 2021, the accused had dispossessed the complainant from the said premises and took over the possession of premises by putting their own lock.

3. It is submitted that FIR is false. The Leave and License agreement executed between Manojkumar Dubey and complainant had expired on 31st July, 2020. False claim is raised by the complainant that he was supposed to recover amount from Manojkumar Dubey. The original owner Manojkumar Dubey had expired on 20th June, 2020. The complainant had executed writing on 27th February, 2021 that he would handover possession of the premises on 14th March, 2021. The transactions are adjudicated between the parties. It is submitted that writing executed by the complainant would indicate that there were no dues paid to the complainant.

4. Learned APP submitted that the amount of Rs 80,000/- was paid to the complainant. He has been dispossessed. The applicants are sisters of the wife of the original owner. This fact is disputed by the learned advocate for the applicant. It is submitted that the applicants are sisters of Manojkumar Dubey. The son of

Manojkumar Dubey is also impleaded as accused in FIR. Undisputedly, the premises was let out to the complainant as a licensee. The period of Leave and License agreement had come to an end on 31st July, 2020. Considering the nature of dispute, the applicants need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 1006 of 2021 is allowed;
- (ii) In the event of arrest of the applicants in connection with in C.R. No. 133 of 2021 registered with Samta Nagar, Police Station, Mumbai, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall attend the investigating officer on 19th, 20th & 21st April, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)