

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 601 OF 2020

1. Satpalsingh J. Chawla
2. Harsimar Singh Chawla

...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr. Mahesh Vaswani a/w. Monish Bhatia a/w. Ms. Dharini Nagda,
a/w. Ms. Shreya Tiwari i/by Ms. Sapna Nath, Advocates for the
Applicants.

Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th MARCH, 2020

PC :

1. The applicants are apprehending arrest in connection with C.R. No. I-81 of 2020 registered with Hill Line Police Station, Ulhasnagar, Mumbai for offences punishable under Sections 323, 342, 353, 506 r/w Section 34 of the Indian Penal Code.

2. The FIR was lodged on 2nd March, 2020 at about 7.30 p.m. The complainant is the Assistant Commissioner with Ulhasnagar Municipal Corporation. It is alleged that the incident had occurred on 2nd March, 2020. The corporation had undertaken demolition of unauthorized construction carried out by the accused. While discharging the duty, the applicant and other accused had obstructed

them. They were manhandled, assaulted and threatened and confined.

3. The contention of the applicants is that the FIR is false. It is lodged to cover up the unauthorized act committed by the complainant and the other officials of the Corporation. It is submitted that on the same day i.e. on 2nd March, 2020 Civil Court had granted status quo order from taking any action against the said structure. The said order was passed at 2.45 p.m. The act of demolition was being carried out at the same time. The applicants were not in a possession of the copy of the order at the relevant time. They were trying to explain to officials of the corporation that Court has granted protection from demolition. Learned counsel for the applicant submitted that copy of order and intimation of the said application was given to the office of the corporation on the same day at about 3.30 p.m. Since the order was passed in afternoon, the copy could not be furnished. It is further alleged that co-accused i.e. sons of applicant had preferred application for anticipatory bail before the Sessions Court which has been allowed. However, the relief was refused to the applicants.

4. Learned APP submits that the copy of the order was not produced. There was nothing on record to show that the status quo

order qua applicant was passed by the concerned court. He pointed out the photographs of the process of demolition conducted by the police. He tendered photographs showing presence of applicants and the employees of the Corporation.

5. Considering the factual matrix of this case as stated above, it is apparent that there was status quo order in favour of the applicants, which was passed on the same day by the Court at about 2.45 p.m. The order has been annexed to this application. The photographs shows that the demolition is conducted and the presence of applicants and officers of corporation and altercation between parties. It appears from the photographs that there was verbal altercation between both the parties. Considering the factual aspects of the matter, applicants need not be subjected to custodial interrogation.

6. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No. 601 of 2020 is allowed;
- ii) In the event of arrest of applicants in C.R. No. I-81 of 2020 registered with Hill Line Police Station, Ulhasnagar, Mumbai, the applicants be

released on bail on furnishing P. R. Bond in the sum of Rs.25000/-, each with one or more sureties in the like amount;

iii) The applicants shall attend Investigating Officer on 17th, 18th, & 19th March, 2020 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called for till filing of charge-sheet.

iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)