IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 602 OF 2020

Ashfaque Haiderali Ansari ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. R. A. Shaikh i/by Mr. Tousif Ansari, Advocate for the Applicant.
Smt. Rutuja Ambekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 11th MARCH, 2020

PC :

1. The applicant is apprehending arrest in connection with C.R. No. 50 of 2020 registered with Nagpada Police Station, Mumbai, for offences punishable under Sections 448, 452, 454, 455 r/w Section 34 of Indian Penal Code.

2. The FIR was lodged on 20th February, 2020. It is alleged that the shop premises was allotted by builder to complainant and he paid extra amount to the builder. On 24th December, 2019, it was found that the applicant and his elder brother Faisal had broke open the lock of the premises and they entered into the premises. The complainant and the applicant then approached the builder and he assured that dispute would be resolved. However, complainant was

not put into possession of premises.

3. The contention of the applicant is that when the building was redeveloped he was given possession of the premises. He was in possession of Shop No.1/A and the complainant was occupying premises bearing shop No.1/B.

4. Learned APP submitted that the statement of the builder has been recorded in which he has stated that the disputed premises was allotted to the complainant and not to the applicant. The brother and father of the applicant were arrested. They were in custody and subsequently granted bail. Considering these circumstances, the applicant need not be subjected to custodial interrogation.

5. Hence, I pass the following order :

ORDER

i) Anticipatory Bail Application No.602 of 2020 is allowed;

ii) In the event of arrest of applicant in C.R. No. 50 of 2020 registered with Nagpada Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/-, with one or more sureties in the like amount;

iii) The applicant shall attend Investigating Officer on 17th, 18th, & 19th March, 2020 between 11.00 a.m. to 1.00 p.m.

iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)