

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

ANTICIPATORY BAIL APPLICATION NO. 24 OF 2020

1. Rajendra Ramadhar Vishwakarma
 2. Vijay Shankar Rajnaryan Gupta
 3. Pachu Radharam Gupta
- Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Viral Rathod i/b Bimala Chounal for the applicants.

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

CORAM : SARANG V. KOTWAL, J.

DATE : 4th AUGUST 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 254 of 2019, dated 11/12/2019, registered at Kherwadi Police Station, Mumbai under sections 448, 452, 504 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Viral Rathod, learned counsel for the applicants and Mr. H.J. Dedhia, learned APP for the State.

3. The FIR is lodged by one Jayshree Davane on

11/12/2019. She has stated that in March 2010, she had taken a room on rent from Anil Vishwakarma for a period of 11 months. An agreement was executed to that effect. She was to pay deposit of Rs. 21,000/- and to pay rent of Rs. 3500/- per month. The FIR mentions that copy of that agreement is not available with the informant. The owner of the room used to collect the rent over four to five months from the informant. He was a resident of Uttar Pradesh. In 2014, the landlord Anil Vishwakarma told the informant that he would give possession of that room to the informant and for that purpose, he had taken Rs. 6 lakhs from the informant. He had executed a notarised document to that effect. In 2017, Anil Vishwakarma expired. Thereafter, nobody had approached her for ownership of that room. The informant had not paid rent to anybody. In August 2019, Kailash Vishwakarma, Tribhuvan Vishwakarma and Ashadevi Vishwakarma came to that home. They told the informant that they were relatives of Anil Vishwakarma. They asked the informant to vacate the room. The informant refused. She told them that she had purchased that room. Those persons then abused her and quarreled with her. She

gave a complaint against those persons at Kherwadi police Station which was registered as a non cognizable offence. Thereafter, again similar incident was repeated. Another NC was lodged. The subject matter of the FIR is incident dated 11/12/2019. At around 2.00 p.m., Ashadevi Vishwakarma alongwith two unknown persons entered the informant's room. Ashadevi Vishwakarma and those two unknown persons forcibly pushed her outside the room. Her articles were thrown on the street. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that Ashadevi was arrested and was granted regular bail. The applicants' names do not appear in the FIR. He submitted that the applicants do not have any connection with the dispute between the informant and Ashadevi. In any case, the informant did not have any legal right over that property and therefore, no offence is made out. The offence is dated 11/12/2019 and after so many months, applicants' custodial interrogation is not necessary. Learned Counsel for the applicant invited my attention

to the order dated 07/01/2020, passed by this Court (Coram:- Sandeep K. Shinde, J.) whereby the applicants were protected. They were directed to co-operate with the investigation. It was observed that one of the consideration was Ashadevi's release on bail.

5. Learned APP on instructions has stated that the applicants have co-operated with the investigation. He has further stated that though the informant has not named any of the applicants in the FIR, in her supplementary statement she has given names of all three applicants. She had gathered that information from the people in the locality.

6. I have considered these submissions. The incident is old. It has occurred in December 2019. The allegations are mainly directed against Ashadevi who has granted regular bail. The applicants have no connection with the dispute. By the previous Order, this Court has directed the applicants to co-operate with the investigation. Learned APP, on instructions, stated that

they have co-operated. Therefore, their custodial interrogation in this background is not necessary. They can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.254 of 2019, registered with Kherwadi Police Station, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)