

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.344 OF 2019

Mujahid Murtuza Ansari

Applicant

versus

The State of Maharashtra

Respondent

Mr.Rajendra J. Rathod for applicant.

Ms.Anamika Malhotra, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd June 2021

PC :

1. This is an application for anticipatory bail in connection with CR No.14 of 2019 registered with Nizampura Police Station, Bhiwandi, District Thane for offences punishable under Sections 379 and 447 r/w 34 of Indian Penal Code.

2. The prosecution case is that on 9th January 2019 the beat chowki in the area was demolished to ground level and debris were taken away. On enquiry the complainant came to know that the staff of Bhiwandi Municipal Corporation had come with JCB and dumper and at that time the local Corporator, applicant and his P.A were present and upon their instructions, the beat chowki was demolished. P.A of the applicant and the Corporator were arrested and they were released on bail. Apparently the demolition was carried out by using JCB and dumper of the Corporation. Learned counsel for the applicant pointed out letter dated 3rd May 2018 wherein Bhiwandi Nizampura Municipal Corporation had taken a decision to demolish the said beat chowki and it is further submitted

that partly the said chowki was already demolished. It is further submitted that on going through the FIR, it does not indicate that there was any intention to commit theft of the property and the debris were dumped at Koliwada, at the place meant for dumping debris by the Corporation. Learned APP submitted that the Corporation had not authorized the Contractor to carry out the demolition or dump the debris.

3. The applicant was granted interim protection vide order dated 8th February 2019 with direction to attend Police Station. The applicant has complied the said direction. Subsequently by order dated 18th November 2019 time was granted for recording statement of contractor to whom the Corporation vide order dated 3rd May 2018 had awarded the contract to demolish the building at Bhiwandi. Learned APP further submits, on instructions from the officer present in Court, that such statement is not recorded as the contractor is not available. The co-accused Mudassir Nadim Bardi, Faisal Rasheed Abuji and Munawwar Gulam Rasool Shaikh had preferred Anticipatory Bail Application No.496 of 2019 before the Sessions Court and anticipatory bail was granted to them on certain terms and conditions.

4. In view of the aforesaid factual aspects, custodial interrogation of the applicant is not necessary and interim protection granted by this Court can be confirmed.

5. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 8th February 2019 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.14 of 2019 registered with Nizampura Police Station, Bhiwandi, the applicant be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iv) The applicant shall appear before the Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST