

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

ANTICIPATORY BAIL APPLICATION NO. 503 OF 2021

1. Zaid Abdul Rehman Ansari
 2. Salman Abdul Ahad Ansari
 3. Abdul Ahad Ansari
 4. Abdul Samad Ansari
 5. Abdul Rehman Ansari
 6. Mohd. Alim Abdul Kadir
 7. Imran Ansari Abdul Samad
 8. Affan Abdul Ahad Ansari
- ... Applicants

Versus

The State of Maharashtra

... Respondent

.....

Mr. Diwakar A. Dwivedi, Advocate for the Applicants.
Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th JUNE, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No.69 of 2020 registered with Oshiwara Police Station, Mumbai for offences under Section 380 r/w Section 34 of Indian Penal Code (for short “IPC”). The FIR is lodged by Abdul Rahim Mohammed Yasin Ansari on 3rd February, 2020.

2. The complainant has alleged that, his father has expired

on 2nd October, 2017. He is looking after furniture shop at Ghas compound, Jogeshwari along with his brothers Abdul Wahab Ansari and Abdul Haq Ansari. Abdul Haq Yasin Ansari has filed Suit in City Civil Court regarding premises of Afort Art, Gala No.1, Ghas compound, Jogeshwari. Complainant's brother Abdul Wahab Yasin Ansari has filed suit relating to same property in the same Court against Abdul Samadh Yasin Ansari, Abdul Ahad Yasin Ansari, Abdul Rahiman Yasin Ansari and Alim Abdul Kadir Ansari. On 2nd February, 2020, Abdul Samadh Ansari, Abdul Ahad Ansari, Abdul Rahiman Ansari, Mohammed Alim qadir Ansari, Mohammed Imran Samadh Ansari, Mohammed Intihaj Samadh Ansari, Mohammed Salman Ahad Ansari, Mohammed Zaid Rahiman Ansari, Mohammed Affan Ahad Ansari visited the shop. They changed the position of C.C.T.V. Camera. Salman Ansari removed the cash, documents and D.V.R. machine. Cash of one Lakh was missing.

3. Learned APP submits that the applicants have attended the Police Station and cooperated with the Investigation.

4. The first informant is the real brother of applicants. Abdul Haq Ansari and Abdul Wahab Ansari had filed suits in the Bombay City Civil Courts by him bearing Suit Nos. 294 and 295 of 2020. The contention of the applicants is that the FIR has been

falsely registered against them. Custodial interrogation of the applicants is not necessary. The applicants and first informant are either real brothers or nephew that the dispute pending between first informant and the applicants in relation to ancestral property.

5. I have perused the FIR and the other documents annexed to this application. Apparently there are dispute between the parties in relation to ancestral property. Looking into the nature of dispute, custodial interrogation of the applicants is not necessary.

6. Hence, I pass the following order:

ORDER

- (i) Criminal Anticipatory Bail Application No. 503 of 2021 is allowed;
- (ii) The applicants are directed to be released on bail in connection with C.R. No.69 of 2020 registered with Oshiwara Police Station, Mumbai on executing P.R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall appear before the investigating officer as and when called for till filing of charge-sheet.
- (iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)