

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

ANTICIPATORY BAIL APPLICATION NO. 1218 OF 2021

Vinod Roy Mathew Applicant

Versus

The State of Maharashtra Respondent

Mr. Pravin S. Tembhekar for Applicant.

Smt. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 116 of 2021 registered at Ulhasnagar Police Station, Dist. Thane, on 04/04/2021, under sections 448, 380, 323, 504 and 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Pravin Tembhekar, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Parmeshwari Sundaram. She has stated that, she had separated from her husband and since about 20 years she was residing with the applicant's father in a room at Hari Om Durga Mata Nagar, Ulhasnagar – 2. The applicant has two brothers. The informant has stated that, she and the applicant's father had gone to Dindigul, Tamilnadu and they had left on 15/02/2020. In the meantime, lockdown was imposed and on 19/01/2021 they came back to Ulhasnagar. That time she found that, the lock put on by her was not there. The applicant and his brothers were there. She saw even her articles were missing. The applicant and his brothers abused and threatened her and drove her out. Thereafter she lodged this complaint. In the F.I.R. she has mentioned different articles worth Rs.21,500/-, out of which main articles were golden ornaments worth Rs.14000/-.

4. Learned counsel for the applicant relied on certain documents annexed to this application. The electricity bill is at Exhibit 'C' regarding the same room which stands in the name of

the applicant. According to the learned counsel for the applicant, the applicant had purchased that room in the year 1997 and he has relied on the agreement in respect of the same which is annexed to this application. He further submitted that the informant was taking wrong advantage of relations with the applicant's father to claim ownership of this room. She was using some forged documents to claim the ownership.

5. Learned APP opposed this application. She submitted that the informant, as well as, applicant have receipts of tax payment made to the Ulhasnagar Municipal Corporation. She submitted that, there are statements of neighbours who have stated that the informant was residing in that room.

6. I have considered these submissions. Apart from the documents relied on by the applicant, there is an affidavit at Exhibit 'I' affirmed by father of the applicant, in which, he has stated that, this property belonged to the present applicant and the applicant had entrusted it to him. He had developed relations with

the informant and they were residing there. However, in January 2020, they permanently shifted to Dindugul, Tamilnadu and he had vacated the house before shifting. He had vacated it in the month of February, 2020 and had handed over the peaceful possession to the applicant. In short, the applicant's father is supporting the applicant.

7. The informant is claiming right to enter this property through the applicant's father. But since he is giving a different version, the informant's case become weak. However, rights to the property cannot be adjudicated in the anticipatory bail application. From the facts of this case, it does appear to be a civil dispute which can be resolved before a proper forum. However, considering the above discussion, custodial interrogation of the applicant in this case is not necessary. He can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 116 of 2021 registered at Ulhasnagar Police Station, Dist. Thane, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)