

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

CRIMINAL BAIL APPLICATION NO.2403 OF 2021

1. Suraj Sharan Pardeshi,
2. Sanjay Sharan Pardeshi, &
3. Rekha Sanjay Pardeshi. Applicants
Versus
The State of Maharashtra Respondent

Mr. Sunil Kumar, Advocate a/w. Vinayak P. Tare i/b. Kumar
and Associates the Applicants.

Mr. Ameet A. Palkar, APP for the Respondent-State.

CORAM :SARANG V. KOTWAL, J.
DATE : 3rd AUGUST, 2021

P.C. :

1. The applicants are seeking their release on bail in connection with C.R.No.421/2021 registered at Juhu police station, Mumbai dated 4.6.2021 under Sections 353, 441, 447, 435, 341, 336, 504, 506 read with 34 of the Indian Penal Code.

2. Heard Shri Sunil Kumar, learned counsel for the applicants and Shri Ameet Palkar, learned APP for the State.

3. Applicants No.1 & 2 are the brothers and applicant No.3 is applicant No.2' wife.

4. The FIR is lodged by Assistant Engineer Shri Dheerajkumar Bangar, working with the Mumbai Municipal Corporation in K/West Ward, Andheri (West), Mumbai. The subject matter of this FIR is an open piece of land admeasuring about 4 Acres, near Nakshatra Garden at Juhu, Mumbai. It is alleged that on some portion of that land, the applicants' family had made encroachment. The applicants used to put their lock on the gate of that land. The allegations are that the applicant No.2 Sanjay was creating terror in the area and there are ten to twelve huts belonging to the applicants in Moregaon area. From 22.5.2021, the Corporation had employed one security guard but the applicants were terrorizing him as well. On 22.5.2021, there was much damage because of the cyclone. The fallen branches of the trees were collected and were kept in that ground. They were to be removed subsequently for disposing them of. On 2.6.2021, when the employees of the Corporation went there to keep the branches and trees etc., the applicants stopped them. They closed the door and

abused the employees. On 4.6.2021, the employees of the Corporation came to know that the branches of trees etc. were set on fire and the fire was doused by the Fire Brigade. It was suspected that the applicants had set those branches etc on fire. On these allegations, the FIR is lodged.

5. Learned counsel for the applicants submitted that there are various civil suits pending in respect of the applicants' huts. The property is going in the Slum Rehabilitation Scheme and, therefore, there is dispute and that the applicants are falsely implicated.

6. Learned counsel submitted that the applicants have not set these branches of trees on fire and there is no evidence to that effect. He submitted that applicants No.1 & 2's mother has expired on 26.7.2021 and they have to attend her final rites and rituals after her death.

7. Learned APP submitted that there are two eye witnesses who have seen the applicants stopping the employees of the Corporation from going in that ground. He submitted that there are criminal antecedents against the

present applicants.

8. I have considered these submissions. Learned APP has stated, on instructions, that there is no eye witness to setting the branches of trees on fire, however, there are eye witnesses to the applicants obstructing the employees of the Corporation from entering the ground. For that matter, the applicants are already in custody since 11.6.2021. The investigation as far as the applicants are concerned is over because period of custodial interrogation is over. Therefore, their further custody in the background of this case is not necessary.

9. On humanitarian ground also as the applicants No.1 & 2's have recently lost their mother, I am inclined to grant bail to all the applicants in this background. Though, the applicants have some antecedents, most of them are non-cognizable cases and the registered offences are pertaining to the years 2015 to 2018. Therefore, some conditions can be imposed on them.

10. Hence, the following order :

ORDER

- (i) In connection with C.R.No.421/2021 registered with Juhu police station, Mumbai, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) Looking at the prevailing circumstances, it may not be possible to the applicants to furnish sureties immediately. Therefore, initially the applicants are permitted to furnish cash bail for the same amount. The applicants will have to furnish the sureties, as directed, within a period one month from today.
- (iii) The applicants shall attend the concerned police station every month for a period of one year from today.
- (iv) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2021.08.03
17:32:57 +0530