

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

**ANT. BAIL APPLICATION NO.1834 OF 2021
WITH
INTERVENTION APPLICATION NO.1986 OF 2021**

Farah Jahangir Ansari @ Farahnaaz
and Ors. ... Applicants
Vs
The State of Maharashtra ... Respondents
...

Ms. Suvarna A. Vast for the Applicant.
Smt. Anamika Malhotra, APP for the Respondent-State.
Mr. Jagdish G. Shetty for Intervenor.
PSI Pradeep K. Patil attached to DB Marg P.Stn. Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 17th AUGUST, 2021.

P.C. :

Heard.

2 Apprehending arrest in connection with the Crime
No.472 of 2021 registered with D.B.Marg Police Station for
the offences punishable under Sections 120(B), 451, 454
and 380 read with Section 34 of the Indian Penal Code,
1860, applicants are seeking pre-arrest bail.

3 Complainant Dipak Jain purchased the Shop Nos.6A-6B, 25A at Shingane Building, Grant Road (East), Mumbai-400 007 from one Hussain Parekh, father of Samir Parekh. Samir Parikh is accused no.1. He instituted Short Cause Civil Suit No.341 of 2021 contending that he is in use of Shop Nos. 6A, 6B and 25A, Shingane Building. In the suit, he seeks decree of injunction against his uncle, who are defendants in the said suit. Prima-facie, therefore, there is dispute in respect of the shops, which were sold to the complainant by father of accused no.1. On 4th June, 2021, complainant reported that his shops were broken open and the property worth Rs.3,64,000/- was stolen. Stolen property includes, computer, cup-board, pen-drives and cash of Rs.3,20,000/-. After report, the police when visited the shops, they found that applicant no.1 was present in the shops.

4 It is the prosecution's case that applicant no.1 is fiancée of the accused no.1-Sameer Parekh; whereas applicant no.2 is brother-in-law of Sameer and Applicant No.3 is family member of Sameer Parekh. Prosecution would claim that applicant nos.2 and 3 in connivance with accused no.1, removed the property of the complainant by committing the trespass in the said shops. It is reported that accused no.1 was arrested and has been released on bail. Property, which was allegedly stolen by the accused no.1 with the help of accused nos.2 and 3, has been recovered.

5 In consideration of these facts, in my custodial interrogation of the applicants may not further the prosecution case. Even otherwise, there are no criminal antecedents against the applicants.

6 For the reasons stated above, application is granted.

7 In the event of arrest of the applicants in Crime No.472 of 2021 registered with D.B.Marg Police Station, they shall be released on executing PR bond for the sum of Rs.25,000/- each with one or more sureties in like sum.

8 The applicants shall report to the Investigating Officer on 23rd, 26th and 28th August, 2021 between 11 a.m. to 1 noon and thereafter as and when called.

9 The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

10 The application is accordingly allowed and disposed of.

11 As the application itself is disposed of, nothing survives in the Intervention Application therein and the same is also disposed of.

11 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)