

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1840/2021**

Sumaiyya Mohmmad Idris
Siddhiqui and Ors.

.....Applicants

V/s.

The State of Maharashtra

....Respondent

* * * *

Mr. Ashok M. Saraogi, Advocate for the applicants.

Mrs. Anamika Malhotra, APP for State.

API, Satish Kotkar from Pantnagar Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 11th August, 2021.

P.C. :

1. Heard learned Counsel for the applicants and learned APP for State.

2. In the execution of the slum redevelopment scheme, M/s. Samartha Drushti Developers allegedly demolished Hut No.88 belonging to the complainant without authority. Thus alleged that one, Suhas Surve with the help of the applicants, demolished the hut of the applicant without any authority by using the JCB machine, whereafter on the report, Crime No.92/2021 was

registered against the applicants and Suhas Surve, for the offences punishable under Sections 324, 141, 142, 143, 147, 148, 448, 452 and 427 of the Indian Penal Code. The applicants are seeking pre-arrest bail in this crime. This Court vide order dated 18th June, 2021, granted pre-arrest bail to Suhas Surve (Anticipatory Bail Application No. 1378/2021) who allegedly demolished the hut of the applicant by using the JCB machine. The FIR indicates, the applicants were accompanying Suhas Surve, while he undertook the demolition drive. No overt act has been attributed to them. In consideration of the facts of the case, in my view, the applicant's custodial interrogation may not further the prosecution's case. For the reasons stated above, the application is granted.

ORDER

(i) In the event of arrest of the applicants in Crime No. 92/2021 registered at Pantnagar Police Station, they shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) each with one or more sureties in the like sum.

(ii) The applicants shall report to the Investigating Officer on Monday of second week of each month, commencing from 16th August, 2021 between 11:00 to 1:00 p.m. till the charge is framed and co-operate in the investigation.

(iii) The applicants shall furnish their permanent residential address and contact number to the Investigating Officer forthwith within a week.

(iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

3. The application is accordingly allowed and disposed off.

4. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.