

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.407 OF 2022

Mohd. Asim Mohd. Sahid Ansari
(Mohd. Asim Ansari C/o. Mohd
Sahid Ansari) & Anr.

..

Applicants

Vs.

The State of Maharashtra

..

Respondent

...

Mr. Sudeep Pasbola i/b Mr. O.P. Dubey for the applicants.

Ms. A.A. Takalkar, A.P.P. for the State.

Mr. Sawant, PSI attached to Nirmal Nagar Police Station is
present, in the court.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 01ST MARCH, 2022.

P.C:-

1. The applicants are apprehending their arrest in C.R. No.30 of 2022 registered with Nirmal Nagar Police Station under Sections 308, 336, 337, 338, 427 read with Section 34 of the IPC.

2. The said C.R. is filed on a complaint filed by the police

inspector, Nirmal Nagar Police Station on 26/01/2022. While, he was on patrolling duty, he received the information about a building being collapsed in Behram Nagar, Bandra (E), Mumbai. He reached the spot. He noticed rubble all around and frantic cries of people in and around the building. Suspecting that some people are caught under the debris, necessary steps were taken by calling the fire brigade and the ambulance. The people, who were caught in the rubble, were removed and given medical assistance. The building which had collapsed was standing on Room No.533, Noor Ki Chawl, Behram Nagar, Bandra (East), Mumbai and, when it collapsed, it also affected Room No.527, 534, 535, which are adjoining to room No.533. The complaint further states that applicant No.1 is the owner of Room No.533, of which repairs were being carried out by applicant No.2 and this structure in the form of ground floor and five storeys, constructed on room No.533 is found to be unauthorised i.e. without any sanction plan from the planning authority or any architect certificate. The unauthorized structure has resulted into its collapse, which caused injuries to the residents in the locality is the accusation faced by the applicants.

3. Heard learned counsel Mr. Pasbola for the applicants and Ms. Takalkar, learned A.P.P. for the State.

4. On perusal of the FIR, it can be seen that applicant No.1 is the owner of Room No.533, which had collapsed. The allegation

is that the building was illegal and unauthorized and some repair work was being undertaken and, since the structure therein is old, it has collapsed. Fortunately, there was no loss of any life and the injuries sustained by the injured are simple injuries. Though an offence under Section 308 is *prima facie* held to be attracted and invoked by registering this C.R., apart from Section 336, 337, 338 and 427 read with Section 34 of the IPC, subject to the stipulation that the applicants shall render their co-operation to the Investigating Officer in completing the investigation, the applicants are held entitled for protection, in the event of their arrest.

ORDER

- (a) In the event of arrest, the applicants – **Mohd. Asim Mohd. Sahid Ansari (Mohd. Asim Ansari c/o. Mohd. Sahid Ansari)** and **Akhlaque Mushtaque Bhati (Akhlaque Mushtaque Bhati s/o. Mushtak Chauhan)**, shall be released on bail in C.R. No.30 of 2022 registered with Nirmal Nagar Police Station, District Mumbai on executing P.R. bond to the extent of Rs.25,000/- each and furnishing one or two sureties of the like amount.

(b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The applicants shall report to the Nirmal Nagar Police Station, Dist. Mumbai on Tuesdays and Thursday for two weeks between 10.00 a.m. and 2.00 p.m. and, thereafter, as and when required by the Investigating Officer.

5. The bail application is allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]