

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

ANTICIPATORY BAIL APPLICATION NO.1363 OF 2022

Mr.Pappukumar Gupta ... Applicant
V/s.
State of Maharashtra and anr. ... Respondents

Mr.Ramakant D. Patil, Advocate for the Applicant.
Ms.P.P.Shinde, APP for Respondent No.1/State.

**CORAM : SMT. BHARATI H.DANGRE, J.
DATE : MAY 26, 2022.**

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The complainant is one Mohit Jasbir Shokin who is the son-in-law of one Rajsingh Khatri and is a Power of Attorney holder in respect of the property in relation to which the present FIR is lodged. The complainant narrated that his father-in-law Rajsingh Khatri and the applicant are the joint owners of the residential premises and had developed the said property with comprise of four storey apartment. There was partition between the applicant and Rajsingh Khatri and the portions were distinctly demarcated by them. Rajsingh Khatri is presently residing in Singapore and complainant was managing his affairs, as power of attorney holder. The applicant had obtained loan on the said property and on account of its non-payment the financial institution had taken symbolic possession of his portion on 16th February, 2022. The

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complainant alleged that when he alongwith his family were out of town, they found that the rooms belonging to the applicant were seized and the applicant had broken the lock of the rooms belonging to the complainant and inducted tenant in the said room. The further allegation is that the water supply to their portion of the house was blocked. The aforesaid incident resulted in involving Sections 454 and 506 of IPC.

3. On perusal of the complaint, it appears that the applicant alongwith the father-in-law of the complainant are the joint owners of the property and the documents to that effect which include a sale deed dated 18th June, 2015 is also placed on record. In the aforesaid situation considering the *inter-se* relationship between them and since the offence under Sections 454 is punishable with imprisonment which extend to 3 years though it is non-bailable, and since offence of Section 506 is bailable, the accusation do not warrant any arrest. Subject to the stipulation that he shall render his co-operation to the Investigation Officer by reporting to him on the date specified below, the applicant is held entitled to be released on Bail, in anticipation of his arrest.

ORDER

- (a) Application is allowed.
- (b) In the event of his arrest, the Applicant shall be released on his furnishing P.R. bond of Rs.25,000/- with one or two sureties of the like amount.

(c) He shall report to the concerned Police Station on 30th May, 2022, and 31st May, 2022 between 10.00 a.m. to 2.00 p.m. and thereafter, as and when directed by the Investigating Officer.

(d) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with the evidence.

(e) The application stands disposed in above terms.

(SMT. BHARATI H. DANGRE,J.)

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