

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3157 OF 2022

1. Devendra A. Pathak
2. Arvind A. Tiwari ... Applicants

Versus

The State of Maharashtra and another ... Respondents

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Mr. Aniket Nikam instructed by Mr. Amit Icham and Mr. Dhanraj Lodha for the Applicants.

Ms. M.M. Deshmukh, APP for the State.

Mr. Sunil Appa Holar, PSI, Taloja Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 14 NOVEMBER 2022

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 205 of 2022 registered at Taloja Police Station, for the offence punishable under Sections 379, 461, 341, 454, 457, 380 r/w. 34 of Indian Penal Code.

3. It is the case of the prosecution that three shops were sold by the co-accused in the present crime namely, Dilipkumar Shah to the complainant and her husband. It is alleged that possession of the said shops was handed over to the complainant and her husband. It is alleged

that on 25th July 2022 it was found that the locks which were put by the complainant were removed and new locks were put and even CCTV cameras which were installed were removed. On inquiry it was found that new locks were put by the co-accused Dilipkumar Shah. The allegations against the present applicants are that they prevented the complainant and her husband from removing those locks and threatened them.

4. I have heard the learned Counsel for the applicants and the learned APP for the State.

5. The learned Counsel for the applicants submits that the applicants are involved in the present crime just because they are employees of co-accused Dilip Kumar Shah. It is submitted that they have nothing to do with the alleged dispossession. It is submitted that nothing is to be recovered from the present applicants and therefore their custodial interrogation is not necessary.

6. The learned APP submits that the present applicants prevented the complainant and her husband from entering in their shops and threatened them. It is submitted that considering the role attributed to the present applicants in present crime, they may not be released on anticipatory bail.

7. I have perused the FIR. The applicants are employee of the co-accused – Dilipkumar Shah. There appears to be some dispute between the co-accused and complainant in relation to shops in question. It thus

appears that said co-accused has removed the locks which were put by the complainant and put his own locks. Nothing to be recovered from the applicants and therefore their custodial interrogation is not necessary. Considering these facts, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest, the applicants - Devendra A. Pathak and Arvind A. Tiwari in Crime No. 205 of 2022 registered at Taloja Police Station, for the offence punishable under Sections 379, 461, 341, 454, 457, 380 r/w. 34 of Indian Penal Code, they shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.
- (iii) The applicants shall attend the concerned police station from 21st November 2022 to 23rd November 2022 between 11.00 a.m. to 2.00 p.m. and thereafter, as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
Date: 2022.11.16
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