

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

**ANTICIPATORY BAIL APPLICATION NO.159 OF 2023
WITH
INTERIM APPLICATION NO.295 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.159 OF 2023**

1. Sachin Kantilal Bhatt
2. Nilesh Surendra Poojari
3. Afzal Choudhary ...Applicants

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.160 OF 2023
WITH
INTERIM APPLICATION NO.294 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.160 OF 2023**

1. Afzal Choudhary
2. Sachin Kantilal Bhatt
3. Nilesh Surendra Poojari ...Applicants

Versus

The State of Maharashtra ...Respondent

...

Mr. Meghashyam Kocharekar for the Applicants in both the matters.
Ms Anita Katariya for the Intervenor.
Mr. Shrikant Yadav, APP for Respondent -State.
Mr. R. Jadhav, PSI, Kandivali Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th MARCH, 2023.

P. C. :-

1. By these applications under Section 439 of the Cr.P.C. the

Applicants herein have sought pre-arrest bail apprehending their arrest in Crime Nos. 1434 of 2022 and 1408 of 2022 registered with Kandivali Police Station, for the offences punishable under Sections 341, 427, 451 and 452 r/w 34 of the IPC.

2. The aforesaid FIRs were registered pursuant to the FIR lodged by tenants in Devibhavan building situated at Kandivali. The grievance of the Complainant is that on 17/12/2022 the Applicants alongwith the officers of the Corporation came to the site and told them that adjoining building i.e. Shivmahal building is in dilapidated condition and same needs to be demolished. They were called upon to vacate the premises temporarily so as to prevent loss of life and damage to the property in the process of demolition of Shivmahal building. Grievance of the Complainant is that their rooms were partly demolished and household articles were damaged.

3. The records prima facie reveal that the Applicant Nos.2 and 3 have entered into development agreement with Shiv Mahal Co-Operative Housing Society Limited to develop the plot admeasuring 106.10 sq.meters including the building comprising of 21 residential premises, 4 commercial premises and 9 residential premises occupied

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by the protected tenants. The records reveal that the Developers have obtained all requisite permissions. Grandfather of the Complainant has already given his consent for development. There is no challenge to the development agreement. Prima facie, it appears that the Complainants are aggrieved by the development being carried out by the Applicants in pursuance to the development agreement executed with the society.

4. Considering the above fact as well as considering the nature of allegations levelled against the Applicants, this is not a case which would justify custodial interrogation. Hence, the applications are allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in Crime Nos. 1434 of 2022 and C.R. Nos.1408 of 2022 registered with Kandivali Police Station, the Applicants shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties each to the like amount.

(ii) The Applicants shall report to the concerned Investigating Officer for a period of two days from 03/04/2023 between 11.00 a.m. to 2.00

p.m. and further as and when required by the Investigating Officer.

(iii) The Applicant shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

5. The application stands disposed of. Interim application (s), if any, stand (s) disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)