

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

ANTICIPATORY BAIL APPLICATION NO. 956 OF 2021

1. Mr. Arun Savlaram Kashikar	
2. Mr. Sanjay Savlaram Kashikar	
3. Mr. Bhavesh Sanjay Kashikar	
4. Mrs. Neha Gaurav Patil nee Neha Sanjay Kashikar	
5. Mrs. Yamini Sumukh Kapoor nee Yamini Arun Kashikar	
6. Mrs. Aruna Arun Kashikar	... Applicants
v/s.	
The State of Maharashtra	 Respondent

Ms. Sonal Parab a/w. Ms. Tanvi Sawant i/b. Rajeev Sawant
and Associates for the Applicants.

Mr. R.M. Pethe, APP for the State.

Mr. A. Dixit, PSI, Malvani Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2023.

P. C. :-

1. The Applicants apprehend their arrest in C.R.No.201/2021 registered with Malvani Police Station, Mumbai for offences punishable under sections 141, 143, 146, 147, 323, 380, 427, 452, 504, 506 r/w. 149 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR dated 20/03/2021, lodged by Kalpesh Bhambhore. The facts narrated in the FIR prima facie reveal that there is dispute in respect of the property viz. flat no. 204, City Survey No.1629, Malad, Mumbai. The Complainant has

alleged that the Applicants had formed an unlawful assembly and entered his property, caused damage to the property and dispossessed him from the flat.

3. Considering the nature of the accusations, this Court by order dated 01/04/2021, had granted interim bail to the Applicants. Learned counsel for the Applicants, under instructions, states that pursuant to the said order, the Applicants have reported to the Investigating Officer. This statement is disputed by the learned APP. However, learned APP is unable to demonstrate as to what steps Investigating officer has taken since 2021 to secure the presence of the Applicants. Moreover, there is no progress in the investigation since more than two years have passed after registration of the offence.

4. Considering the above facts and circumstances as well as the nature of the accusations against the Applicants, in my considered view, this is not a case which would justify custodial interrogation. Hence, the interim bail granted by this Court vide order dated 01/04/2021, stands confirmed. The Applicants shall report to the Investigating Officer as and when required.

5. Application stands disposed of.

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(SMT. ANUJA PRABHUDESSAI, J.)