

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

ANTICIPATORY BAIL APPLICATION NO.1783 OF 2023

Newton Joshua ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. S.K. Dubey for the Applicant.

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

Mr. Pandurang Gaikwad, PSI, Powai Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd JULY, 2023.

P. C. :-

1. The Applicant apprehends his arrest in C.R. No. 181 of 2023 registered with Powai Police Station, Mumbai, for the offences punishable under Sections 143, 147, 323, 324, 379, 427, 452, 354-B and 509 r/w 149 of the IPC.

2. Heard Mr. Dubey, learned counsel for the Applicant and Mr. R.M. Pethe, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Samsan Sukumar Adwin. The First Informant, who is a student claims that his uncle Kelvin Joshua and Hiro Chawala have executed a Power of Attorney in his favour, on the basis of which he is looking after the business of hotel 'Jewel Food Court' at Hiranandani Garden, Powai, Mumbai. The First Informant claims that on 13/03/2023 the First Informant and others entered the food court and took forcible possession of the same. It is alleged that they abused the staff of the said food court and outraged modesty of the lady staff and committed theft of some of the items from the said food court.

4. The FIR itself reveals that the food court is in the joint name of the Applicant-Newton, Calvin Joshva and Hiro Chawala and that there is dispute between them over the said food court. The Applicant has also placed on record certain documents, which show that the electricity connections is in the name of the Applicant. The panchanama and CCTV footage do not prima facie support the case of the First Informant that the Applicant had trespassed into the suit premises, but merely states that some persons were seen sitting in the Food Court and some persons were seen taking away some articles, which were kept outside the Food Court. The panchanama does not

give description of the said persons or the items, which were allegedly stolen.

5. Considering the above facts and circumstances, in my considered view this is not a case, which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No. 181 of 2023 registered with Powai Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. on 07/07/2023 and 08/07/2023 between 10.00 a.m. to 1.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

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

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)