



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1843 OF 2023

Varun Ravindra Patil and ors	...Applicants
vs.	
State of Maharashtra	...Respondent

WITH
INTERIM APPLICATION NO.2489 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1843 OF 2023

Shriveena Nelson Murzello	...Applicant
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In the matter between:

Varun Ravindra Patil and ors	...Applicants
vs.	
State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1845 OF 2023

Nityanand Chitravel Nadar	...Applicant
vs.	
State of Maharashtra	...Respondent

WITH
INTERIM APPLICATION NO.2485 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1845 OF 2023

Shriveena Nelson Murzello	...Applicant
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In the matter between:

Nityanand Chitravel Nadar	...Applicant
vs.	
State of Maharashtra	...Respondent

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Mr.Aabad Ponda a/w Mr. D. D. singh for the Applicants in both ABA.

Ms. A.A. Takalkar, APP for the Respondent-State.

Ms. Priya Jadhav for the Intervenor.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 31 JULY 2023

P.C. :

1. This is an Application under section 438 of the Criminal Procedure Code, 1973 filed by the aforesaid Applicants apprehending their arrest in Crime No.224 of 2023 registered with Malad police station, BrihanMumbai, for the offence punishable under sections 452, 448, 380, 427, 323, 504, 506 r/w 34 of the Indian Penal Code, 1860.

2. Heard Mr.Aabad Ponda, learned counsel for the Applicants, Ms. Priya Jadhav for the Intervenor and Ms. A.A. Takalkar, 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 the intervenor - Shriveena Nelson Murzello. The first

informant claims to be the owner and possession of two rooms situated in a private plot under CTS No.216/A/1/4. She claims that the Applicants criminally trespassed in the said rooms and demolished the said room, assaulted her husband and committed theft of household articles including one gold chain.

4. It is pertinent to note that the first informant herein had lodged a complaint in respect of the said incident on the very same day i.e. on 18 March 2023 which was registered as NC complaint. The said complaint was against three persons viz. Anand Nadar, Varun and Murali with allegations that Anand had demolished the said two rooms. The allegations of criminal house trespass, theft and assault have been made for the first time on 28 April 2023, with delay of 40 days from the date of the alleged incident.

5. The records *prima facie* indicate that there was civil dispute between the first informant & ors and M/s. Shreeji Constructions. The said civil suit being RAD Suit No.260 of 2022 was in respect of property i.e. bungalow situated at CTS No.216/A/1A, 216A/1A/1, 216A/1A/4 to 10 in the Revenue Village Valani, Taluka Borivali. The said Civil Suit was disposed of pursuant to the consent terms filed between the parties. The consent terms, *prima facie*

indicate that the parties had agreed that M/s. Shreeji Constructions is absolutely seized and possessed of or otherwise well and sufficiently entitled to all that piece and parcel of land, hereditament and structures standing thereon, lying and situated at CTS No. 216/A/1A, 216A/1A/1, 216A/1A/4 to 10. It is stated pursuant to the consent terms that the said M/s. Shree Constructions has commenced development and the present Applicants are employees of M/s. Shree Constructions. Considering the above facts and circumstances of the case, in my considered view, no case is made out for custodial interrogation.

6. Under the circumstances, the applications are allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in Crime No.224 of 2023 registered with Malad police station, BrihanMumbai, they are ordered to be released on bail on executing PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount.

(ii) The Applicants shall report to the Investigating Officer for two days i.e. on 4 & 5 August 2023

and further as and when required by the Investigating Officer for the purpose of investigation;

(iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicants 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.

7. The Applications stand disposed of.

(ANUJA PRABHUDESSAI, J.)