

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

ANTICIPATORY BAIL APPLICATION NO. 1982 OF 2023

Rita Kanubhai Sarvaiya

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Pravada Raut - Advocate for the Applicant

Mr. S. R. Agarkar - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 20th JULY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP.
2. The present Applicant is Corporator and member of the Mahila Dakshata Samiti. She is impleaded as co-accused for the offence bearing C.R. No. 224 of 2023 registered with Arnala Police Station on 08/06/2023. It is on the basis of the complaint lodged by the occupant of that flat. The offence is under Sections 452, 323, 504 and 506 of the Indian Penal Code. The incident took place on 22/05/2023. There are also earlier incidents. One of them took place on 17/10/2021.

3. It seems that there is dispute in between the first informant and the landlord. The first informant was beaten on 17/10/2021 and the son of the landlord took bag of the first informant's mother and ran away. At that time, it is alleged that the present Applicant was there.

4. Whereas the incident dated 22/05/2023 is concerned there is no specific allegation that the present Applicant was there at that time. The landlord broke open the lock of the door and thrown all things and stolen ornaments to the tune of Rs. 2,26,000 and articles were stolen away. It is contended that the Applicant being member of the Mahila Dakshata Samiti was called by the Police and she is not named in the incident dated 22/05/2023. There are statements recorded by the Police. One of them is of Shubhrati Hasmi who prepares key, he was called there. With the key prepared by him, the lock was opened. He stated that at that time the present Applicant was there. When asked it is submitted that the Accused No. 1 – landlord is in possession of the premises but yet they are not arrested.

5. Except verifying the claim of the first informant about theft of the ornaments, investigation on other aspects is reported to

be over. However this allegation is not there against the present Applicant. I do not think custodial interrogation is required. Hence following Order :-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 224 of 2023 registered with Arnala Police Station, Mira Bhayander, Vasai-Virar for the offence punishable under Sections 452, 454, 427, 323, 504, 506 read with 34 of the Indian Penal Code, the Applicant-Rita Kanubhai Sarvaiya be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
- (iii) Applicant is directed to co-operate the Police as and when required.

6. It is made clear that the these are my prima facie observations

7. Application is disposed of in the aforesaid terms.

8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]