

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

ANTICIPATORY BAIL APPLICATION NO.1981 OF 2023

Dharmesh Patel

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Ms Neha Sule with Mr. Bhushan Mahadik i/b. M/s. Mahadik
and Associates for the Applicant.

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

Mr. Dineshkumar Anande, API, Tilak Nagar Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 17th AUGUST, 2023.

P. C. :-

. The Applicant apprehends his arrest in C.R.No.285/2023 registered with Tilak Nagar Police Station, Mumbai for offences punishable under sections 379, 448 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The dispute in the present case is in respect of flat no.401, Poonam Enclave, Plot No.21, Chembur, Mumbai. The first informant

claims that the said flat was purchased by his sister and that he has been residing in the said flat since February, 2022. The first informant has alleged that the Applicant and the other co-accused replaced the lock, trespassed into the flat and committed theft of the household articles. On the basis of the FIR lodged by him, the aforesaid crime came to be registered.

4. Considering the nature of the accusations, this Court by order dated 17/07/2023, had granted interim bail to the Applicant. Learned APP, under instructions from the Investigating Officer who is present in the Court, states that pursuant to the said order, the Applicant has reported to the Investigating Officer and that he has been interrogated. The presence of the Applicant is not required for the purpose of custodial interrogation. In view of the said statement and considering the nature of accusations, in my considered view, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.285/2023 registered with Tilak Nagar 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 in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required ;

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(d) 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.

5. The Application stands disposed of.

PREETI
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JAYANI

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by PREETI
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Date: 2023.08.19
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(SMT. ANUJA PRABHUDESSAI, J.)