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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2000 OF 2023

Mr. Appu Bihari Mandal

...Applicant

vs.

State of Maharashtra

...Respondent

....

Mr. S. K. Dubey for the Applicant.

Mr. S. H. Yadav, APP for the Respondent-State.

....

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 27 JULY 2023

P.C. :

. At the outset, learned counsel for the Applicant states that he is restricting the prayer for pre-arrest bail only in respect of Crime No.181 of 2023 registered with Powai police station, Brihanmumbai.

2. The Applicant apprehends his arrest in Crime No.181 of 2023 registered with Powai police station, Brihanmumbai for the offence punishable under Sections, 354-B, 452, 509, 324, 379, 323, 427, 143, 147, 149 of the Indian Penal Code, 1860.

3. Heard Mr. S. K. Dubey, learned counsel for the Applicant

and Mr. S. H. Yadav, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. 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 March 2023, Newton Joshua 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.

5. The FIR itself reveals that the Food Court is in the joint name of Calvin Joshua and Hiro Chawala and that there is dispute between them over the said Food Court. The records reveal that the electricity connections is in the name of Newton Joshua. The panchanama and CCTV footage do not *prima facie* support the case of the First Informant and Newton 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.

6. In the light of the above, in my considered view, this is a fit case to grant bail. Hence, the Applicant is released on bail on the following terms and conditions;

- (i) In the event of arrest of the Applicant in Crime No.181 of 2023 registered with Powai police station, Brihanmumbai the Applicant shall be released on bail on furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 1st and 2nd August, 2023 between 11.00 am to 2.00 pm;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of

residence or mobile/contact details from time to time.

- (iv) The Applicant shall not interfere with the complainant and the other witnesses, or tamper with the evidence in any manner.

7. The Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)