

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

ANTICIPATORY BAIL APPLICATION NO. 946 OF 2023

Shoaib Shahid Khan

..Applicant

v/s.

The State of Maharashtra .

..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2278 OF 2021**

Poornima Ganpat Dalvi

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Ms. Seema Dighe i/b. P.G.Sarda for the Applicant.

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

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 13th APRIL, 2023.**

P.C.

1. These applications under Section 438 Cr.P.C. are filed by the aforesaid Applicants apprehending their arrest in C.R.No.825 of 2021 registered with Kurar Police Station, Mumbai, for offences under Section 143, 145, 147, 448, 452, 504, 506 r/w. 149 of the Indian Penal Code.

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

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3. The aforesaid crime was registered pursuant to the FIR lodged by Navin Ramakant Chaumal. The facts narrated in the FIR are that he had taken the flat on rent from one Vibha Shukla for rent of Rs.50,000/- per month. He has stated that during the lockdown period he was unable to pay the rent for about three months and that Vibha Shukla used to constantly phone him and demand payment of rent. He claims that said Vibha Shukla had threatened to throw his belonging out with the help of some goondas. The first informant has alleged that on 18.08.2021 said Vibha Shukla, her son, sister and about five to six other persons came to the flat. They entered the house and removed the belonging from the flat and kept the same in the common lobby on the ground floor. He claims that said Vibha Shukla took forcible possession of the flat.

4. The material on record prima facie reveals that the first informant had failed to pay rent to the landlady Vibha Shukla and that said Vibha Shukla was constantly demanding Rs.4 lakhs towards arrears of rent. Applicant Sohail, who claims to be the brother of the lady had demanded amount of Rs.4 lakhs from the first informant, and he had expressed inability to pay the same due to financial constraint. The records indicate that the dispute between the first informant and Vibha Shukla is essentially over non payment of rent. Considering this aspect, the Court, by order dated 27.09.2021 and 30.03.2023 granted interim

protection to these Applicants. Learned APP states that the Applicants have complied with the condition of the order and have joined the investigation. Considering the nature of the accusation and the material in support thereof, in my considered view this is not a case which would justify custodial interrogation. Under the circumstances, the applications are allowed on the following terms and conditions:-

5. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.25 of 2021 registered with Kurar Police Station, Mumbai, the Applicants Shoaib Shahid Khan and Poornima Ganpat Dalvi be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) each with one or two sureties in the like amount;
- (ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer.
- (iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)