



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

ANTICIPATORY BAIL APPLICATION NO. 2211 OF 2023

Ankit Rajesh Chandra Shah	...Applicant
Versus	
The State of Maharashtra	...Respondent

ANTICIPATORY BAIL APPLICATION NO. 2214 OF 2023

Nimesh Ramniklal Thakkar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Pravada Raut, for Applicant.

Mrs. Ashwini A. Takalkar, APP for State in ABA-2211/2023.

Mr. N. B. Patil, APP for State in ABA-2214/2023.

Mr. D.S. Nikam, Arnala Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 23rd AUGUST, 2023

P.C.:-

- 1) Heard the learned counsel for the applicants and the learned APP for the State.
- 2) These applications are for pre-arrest bail in connection with C.R. No.224 of 2023, registered with Arnala police station, for the offences punishable under Sections 452, 323, 504 and 506 read with Section 34 of Indian Penal Code, 1860.

3) The first informant along with her mother and brother were residing at Prabhat Complex, Room No. 103, A-Wing, Poonam Nagar, Y.K. Anex Virar, Tal. Vasai, Dist. Palghar, as tenants. Rajeshchandra Shah, the accused No. 1, claimed to be the landlord of the said premises. There have been disputes between the landlord and the tenants.

4) The first informant alleged that on 17th October 2021, Ankit Rajesh Chandra Shah, the applicant in ABA No.2211 of 2023, had assaulted the mother of the first informant. The applicant and other accused had assaulted and insulted her as well. In the month of May, 2022, the electricity to the said room was disconnected at the instance of Jayesh alias Nimesh Thakkar, the applicant in ABA No. 2214 of 2023.

5) The first informant further alleged that on 22nd May, 2023, when she had entered the said premises, she found that the room was broken open and all the belongings of the first informant and her family members were thrown out. The first informant further alleged that cash amount and gold ornaments weighing 20 to 22 grams aggregating to Rs.2,26,000/- which were in the cupboard, were taken away, and documents also went missing. The first informant, thus, lodged a report.

6) The learned Counsel for the applicant submits that the applicants have been falsely roped in on account of the dispute between the landlord and tenant.

7) On the contrary, the learned APP submitted that the witnesses whose statements have been recorded during the course of the investigation have stated about the presence of the applicant Ankit Shah at the scene of occurrence when the room was allegedly broken open and the Key Maker, Mr. Shubharati Hasmi, has stated that he was called by the applicant Jayesh alias Nimesh Thakkar to the place of occurrence and asked to break open the lock asserting that the owner of the said room was present thereat.

8) Landlord Rajesh and his wife Surekha-accused No. 4 were arrested and released on bail. The allegations of breaking open the house are primarily against the landlord of the said premises.

9) The role attributed to the applicant Ankit Shah is that of being present at the time of occurrence, and to Jayesh alias Nimesh Thakkar is that of calling the key maker.

10) In the backdrop of the nature of the accusation, their custodial interrogation does not seem to be warranted to facilitate further investigation. Moreover, having regard to the

punishment which the major offence under Section 452 entails, the applicants deserve exercise of discretion.

11) Hence, the following order:-

ORDER

- I) The applications stand allowed.
- II) In the event of the arrest of the applicants in connection with C.R. No.224 of 2023, registered with Arnala police station, for the offences punishable under Sections 452, 323, 504 and 506 read with Section 34 of Indian Penal Code, 1860, the applicants be released on bail on executing a PR Bond in the sum of Rs.30,000/- and one or two sureties in the like amount each.
- III) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- IV) The applicants shall cooperate with the investigation and report to the Investigating Officer as and when directed.
- V) The applications stand disposed.

[N. J. JAMADAR, J.]