

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

ANTICIPATORY BAIL APPLICATION NO. 3537 OF 2022

1) Usama Sumar Ali	
2) Saeeda Sumar Ali	..Applicants
VS.	
The State of Maharashtra	..Respondent

Milind A. Ingole a/w Samir Walhe a/w Ashwini Datar Ingole
for the Applicants.

Mr. S. V. Gavand, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 24, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** This is an application for pre-arrest bail by the applicants in connection with First Information Report (FIR) No.763 of 2022 dated 20/10/2022, registered with Byculla Police Station, under sections 406, 448, 506 read with 34 of the Indian Penal Code, 1860.
- 3.** The complainant alleges in the FIR dated 20/10/2022 that the applicants have encroached illegally in the flat which is of the ownership of the complainant and further

that they have committed misappropriation in respect of 2800 swiss francs i.e. Rs.3,04,000/- and some gold ornaments which were kept in the said flat. Prior to the filing of the said FIR, a suit is already filed by the complainant for a declaration that he is the sole owner of the flat. Civil disputes are pending in this Court so far as the said flat is concerned. No such allegations / averments are made in the plaint. The possibility that the allegations about theft are an afterthought cannot be ruled out.

4. The dispute appears to be of a civil nature in relation to the flat which is allegedly encroached upon by the present applicants. The custodial interrogation in the present matter is not required. The applicants have cooperated with the investigation. Hence, the following order.

ORDER

(a) In the event of arrest, applicants- Usama Sumar Ali, Saeeda Sumar Ali in connection with FIR No.763 of 2022, registered with Byculla Police Station, shall be released on bail, on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount;

(b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence;

(c) The applicants shall report to the concerned police station on 01/03/2023 and 02/03/2023 between 11.00 a.m. and 1.00 p.m.;

(d) The applicants to co-operate with the Investigating Officer.

5. The application is disposed of.

(M. S. KARNIK, J.)