

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.3367 OF 2023**

Mohiddin Rehmat Baig ...Applicant  
vs.  
The State of Maharashtra ...Respondent

Mr. Samsher Garud a/w. Ms. Vidhi Karia i/b. Jayakar & Partners,  
for the Applicant  
Smt. A.A. Takalkar, APP, for the Respondent/State.  
Mr. Laxman Kakade, PSI, Khar police station.

**CORAM : N. J. JAMADAR, J.**  
**DATE : DECEMBER 4, 2023**

**P.C.:**

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 404 of 2022 registered at Khar police station for the offences punishable under sections 120-B, 143, 147, 209, 465, 467, 468, 420, 452, 380, 471, 427, 504 and 506 of Indian penal Code, 1860.
3. The allegation qua the applicant is that, the applicant in prosecution of the common object of the unlawful assembly had committed house trespass on 24<sup>th</sup> December, 2021. The applicant and the co-accused Riyaz Khatri, Mehfooz Shaikh, Dr. Vishal Madane had barged into the property namely Laxmi Mension, 14<sup>th</sup>

Road, Khar which is in the possession and occupation of Pushpa Gidwani. On 25<sup>th</sup> December, 2021 the applicant and the co-accused had again barged into the said property and damaged the CCTV camera and committed theft of the DVR. There are allegations in the first information report that the co-accused Riyaz Khatri, Rafique Beg and others had forged consent terms and on the strength of the forged and fabricated consent terms obtained orders from the City Civil Court at Dindoshi.

4. The learned counsel for the applicant submits that the applicant was in fact appointed as a security guard by Pushpa Gidwani. He had no concern with the dispute between the first informant and Dr. Vishal Madane. By an order dated 28<sup>th</sup> June, 2023 in ABA No. 1703 of 2023 Dr. Vishal Madane has been granted pre-arrest bail by this Court. It was further submitted that the disputes have arisen between Pushpa Gadwani and the first informant and the former has revoked the Power of Attorney given to the first informant.

5. The learned APP submitted that the wife of the first informant who had access to the CCTV footage categorically stated that the applicant was one of the persons who had committed house trespass and assaulted the security guard appointed by the first informant.

6. I have perused the allegations in the first information report and the statement of the wife of the first informant. Prima facie, role attributed to the applicant is that of being a member of the unlawful assembly which had allegedly committed house trespass. Dr. Vishal Madane, at whose instance the members of the said unlawful assembly had allegedly committed house trespass, has been granted pre-arrest bail by this Court. In view of the above and in the backdrop of the nature of accusation and the role attributed to the applicant, the custodial interrogation of the applicant is not warranted to facilitate further investigation. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

7. In the event of arrest in C.R. No.404 of 2022 registered with Khar police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

8. The applicant shall cooperate with the investigation and attend Khar police station, on 11<sup>th</sup> and 12<sup>th</sup> December, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

9. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

10. The applicant shall regularly attend the proceedings before the jurisdictional Court.

11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

**(N. J. JAMADAR, J.)**