

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

ANTICIPATORY BAIL APPLICATION NO. 524 OF 2024

Rashmi Manohar Gawde & Ors. Applicants

Versus

The State of Maharashtra Respondent

WITH

INTERIM APPLICATION NO. 894 OF 2024

IN

ANTICIPATORY BAIL APPLICATION NO. 524 OF 2024

Anand Govind Gawde ... Applicant/Intervenor
(Orig. Complainant)

IN THE MATTER BETWEEN

Rashmi Manohar Gawde & Ors. Applicants

Versus

The State of Maharashtra Respondent

Ms. Rashmi Manohar Gawade applicant no. 1 in person.

Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

Mr. Anirudh Ganu a/w Vaidehi Limaye a/w Eshan Nayak for
Intervenor

CORAM : SARANG V. KOTWAL, J.

DATE : 27th FEBRUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R. No. 113 of 2023 registered at Vengurla Police Station on 20/06/2023 under sections 448, 451 r/w 34 of the

Indian Penal Code.

2. Heard Ms. Rashmi Gawde, Applicant No. 1 in person, Ms. Pallavi Dabholkar, learned APP for the Respondent-State and Mr. Anirudh Ganu, learned counsel for the Intervenor.

3. The FIR is lodged by the first informant Anand Gawade. He has stated that he has an ancestral house within the limits of Ansur grampanchayat bearing house no. 146. In the FIR he has stated that on 03/05/2023 the present applicants had entered in his house. This was told to him by his neighbours. The informant was not in the house. He made a phone call to police patil who confirmed the said fact. One Karangutkar also told the informant about the said incident. At that time the informant was in Mumbai. He went to his native place on 10/05/2023. He saw that all the three applicants were in his house. The informant had stayed at different place between 10th to 12th May 2023. On 13/05/2023, the Applicants had left his house. He came to know about this from the Sarpanch and therefore he came back to his house. He saw house-hold articles lying there. They were

belonging to the Applicants. The informant then put an iron door and went back to Mumbai. On 25/06/2023, again the Applicants entered the house of the informant. The informant on 27/05/2023 again came to his house when he noticed that the applicants were staying in his house. He again went back to Mumbai. On 13/06/2023 when he went back to his native place, he saw that the house was locked by the applicants. On this basis, the FIR is lodged.

4. The Applicant No. 1 who is appearing as party in person for herself and on behalf of the other two applicants submitted that the said house is an ancestral property and she had share in that property. She had made an application with the grampanchyat in the year 2012 regarding it, but till today the said issue is not resolved. She submitted that the Applicants had not committed any offence.

5. Learned counsel for the informant submitted that the applicants had illegally entered his house. He had built it and he had documents to support the same. He further submitted that the

applicants are not in possession of the house.

6. Learned APP submitted that the applicant no. 1 is creating trouble in the Police Station and an NC is lodged in respect of her behaviour. Learned APP submitted that the applicant no. 1 is threatening the Police Officers. She was boasting that she was practicing in the High Court and she would cause harm to their service. For that purpose an NC is lodged on 23/06/2023 at Vengurla Police Station. She submitted that some conditions be imposed on the applicants if the Anticipatory bail is granted to them.

7. I have considered these submissions. The incident which is the subject matter of the FIR had taken place in May and June 2023. After that about 8 to 9 months passed and as of today the applicants are not in possession of the said house. The applicant no. 1 is a practicing advocate. Considering all these circumstances, custodial interrogation of the applicants will not serve any purpose. As far as apprehension of the APP is concerned, it can be taken care of by imposing suitable conditions.

8. These observations are made only for deciding this Anticipatory Bail Application. This order does not decide civil rights of any parties.

9. Hence the following order.

ORDER

- (i) In the event of their arrest in connection with C.R. No. 113 of 2023 registered at Vengurla Police Station, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs. 30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall not cause any harm to the first informant.
- (iii) The Applicants shall not tamper with the evidence and shall not try to contact the witnesses.
- (iv) The Applicants shall not cause any trouble and shall not issue any threats to the Police Officers.
- (v) The Applicants shall be given sufficient time to furnish sureties.
- (vi) With the above observations the Application is disposed of.

(vii) In view of disposal of the Anticipatory Bail Application, the Interim Application is also disposed of.

(SARANG V. KOTWAL, J.)