

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1065 OF 2024

Dipin Amar Chotwani

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Monish Bhatia a/w Mr. Vikrant Sukhwani, Ms. Sheetal Punjabi,
for the applicant.

Mr. C.D. Mali , APP for the State/Respondent.

API Ravindra Jadhav, Kherwadi Police Station present.

CORAM :SARANG V. KOTWAL, J.

DATE : 19th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 290 of 2024,registered at Kherwadi Police Station, Mumbai on 02/04/2024 under Section 379 of the Indian Penal Code.

2. Heard Mr. Bhatia, learned counsel for the Applicant and Mr. Mali, learned APP for the Respondent-State.

3. The FIR is lodged by one Amat Chotwani. He has stated that he is residing with his sister. Before that from 2014 to 2019 he was residing with the present Applicant, who is the informant's son. The Applicant's mother was also residing with them and she was the informant's wife. The FIR goes on to mention the dispute between the informant on one hand and the Applicant and his mother on the other. The informant is residing separately from the Applicant and his mother from 2019 onwards. The informant's wife has initiated proceedings under The Protection of Women from Domestic Violence Act, 2005. It is alleged that there was a dispute regarding a flat of the informant which he had sold to one Vijay Rajwani. The Applicant and informant's wife i.e. the Applicant's mother had not vacated that flat and, therefore, Vijay Rajwani has lodged a complaint with MHADA authorities. On 01/04/2024, the informant had gone to MHADA Office. He was sitting in his car. At that time, at about 11.00 a.m. the Applicant came there and tried to have a conversation with the informant but the informant did not want to

talk with him. Therefore, the Applicant picked up the informant's mobile phone which was kept on the dashboard and went away. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the FIR is the result of a family dispute between the parties. The FIR is lodged after the Applicant's mother had initiated proceedings under The Protection of Women from Domestic Violence Act, 2005. As mentioned in the FIR, there is a dispute about the flat as well. He submitted that the Applicant has returned the mobile phone to the informant. The Applicant only wanted to see their old family photographs and he wanted to establish conversation with his father. But instead, he is facing this prosecution. Without prejudice to his rights and contentions, he showed willingness to deposit Rs. 15,000/- with the police which could be returned to the informant. He submitted that the mobile phone is still with the informant.

5. Learned APP, on instructions of the investigating officer

submitted that the informant does not want the amount of Rs. 15,000/- which is the cost of the mobile phone but he wanted that mobile phone.

6. In this view of the matter, it is clearly a family dispute between the father and son. In that connection, the Applicant's custodial interrogation is not necessary. It is a matter of Rs. 15,000/- which is the price of the mobile phone. According to the Applicant, the mobile phone is with the informant. Be that, as it may, the Applicant need not be arrested in this connection for recovery of the mobile phone. The Applicant's custodial interrogation is not necessary in the facts of the case, particularly when the informant is his own father, Instead of that it would be sufficient if the Applicant attends the Police station and co-operates with the investigation. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 290 of 2024, registered at Kherwadi Police Station, Mumbai, the Applicant is directed to be released on bail on his executing PR. bond in

the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station on 25th and 26th April 2024 between 01.00p.m. to 03.00 p.m. and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)