

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

**ANTICIPATORY BAIL APPLICATION NO.3697 OF 2023**

Priyanka Sidheshwar Gurav

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Rahul V. Shinde, Advocate for Applicant.
- Ms. Sharmila S. Kaushik, APP for the State/Respondent.
- Mr. Vishal U. Rankhambe, Advocate for Intervenor.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 02<sup>nd</sup> JANUARY, 2024**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.272/2023, dated 25/08/2023, registered with Khopoli Police Station, Raigad, under sections 441, 445, 447, 453 r/w 34 of the Indian Penal Code.

2. Heard Mr. Rahul V. Shinde, learned counsel for the Applicant, Mr. Vishal U. Rankhambe, learned counsel for the Intervenor and Ms. Sharmila S. Kaushik, learned APP for the State.

3. The FIR is lodged by Anita Pradhan. She has stated that on 21/08/2023 at around 11.30 a.m., she and her husband had gone to the market in Khopoli. When they returned at around 02.30 p.m., she saw that somebody had broken the lock on the iron gate of their house and had put a new lock on the inner wooden door. The informant made enquiries. She was informed by the neighbours that they had heard the sound of somebody using a hammer. On 22/08/2023 CCTV footage of the society was seen. At that time it was observed that one car bearing number mentioned in the FIR had entered the society. There were two unknown persons. One unknown man and one Harshada were present in that car. They had committed that offence. On this basis, the FIR is lodged.

4. Learned counsel for the Intervenor submitted that the offence is serious and therefore he should be permitted to be heard. In the interest of justice I have heard learned counsel for the Intervenor/first informant.

5. Learned counsel for the Applicant relied on the order passed by the co-ordinate bench of this Court on 22/12/2023 in Anticipatory Bail Application No.3630 of 2023, wherein the main accused Harshada was granted anticipatory bail. He claimed parity.
6. Learned APP submitted that the present Applicant is not cooperating with the investigation and has not attended the police station for the purpose of investigation. She submitted that the offence is serious.
7. Learned counsel for the Intervenor submitted that the offence is not only serious but has caused adverse impact on the health of the informant's husband. He has suffered heart attack because of this incident. He submitted that assuming there is a property dispute, the Applicant and others could not have taken forcible possession in this manner.

8. I have considered these submissions. Though the act of the accused cannot be justified, however, I am deciding this application mainly on the ground of principle of parity. The order in Anticipatory Bail Application No.3630 of 2023 shows that the main accused Harshada was granted protection of anticipatory bail order. She was the main accused. The dispute of the informant was with this Harshada. The Applicant therefore has lesser role and motive than the main accused. Therefore, only on the ground of parity, the Applicant can be granted protection of anticipatory bail. It is needless to add that the Applicant will have to attend the police station and cooperate with the investigation.

9. Hence, the following order :

### **ORDER**

- (i) In the event of her arrest in connection with C.R.No.272/2023, dated 25/08/2023, registered with Khopoli Police Station, Raigad, the Applicant is directed to be released on bail on

her furnishing 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 10/01/2024, 11/01/2024 and 12/01/2024 between 03.00 to 05.00 p.m. and shall cooperate with the investigation.
- (iii) If the Applicant does not attend or does not cooperate with the investigation, the prosecuting agency as well as the first informant, are at liberty to move an application for cancellation of anticipatory bail granted in her favour by this order.
- (iv) The Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**