

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

ANTICIPATORY BAIL APPLICATION NO.1122 OF 2024

Nirav Ajay Thaker & Ors

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr. K. H. Holambe Patil a/w K. K. Holambe Patil, Advocate for Applicant.
- Mr. C. D. Mali, APP for the State/Respondent.
- Mr. K. R. Tiwari a/w Rakesh Singh, Advocate for Original Complainant/First Informant.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.29/2023, dated 14/01/2023, registered with Kandivali Police Station, Mumbai, under sections 379, 420, 427, 452, 506 r/w 34 of the Indian Penal Code.
2. Heard Mr. K. H. Holambe Patil, learned counsel for the Applicants, Mr. K. R. Tiwari, learned counsel for the Original Complainant/First Informant and Mr. C. D. Mali, learned APP for the State.

3. At the outset learned counsel Mr. K. R. Tiwari appears and states that the first informant wants to file Interim Application. He seeks time.
4. Considering this request, today I am adjourning this application. He also points out that he was heard before the Court of Session where the Applicant's Anticipatory Bail Application was decided. Therefore, in view of this submission, learned counsel for the Applicants is directed to add the first informant as a party Respondent. Leave to amend is granted. Amendment shall be carried out forthwith. Since the learned counsel for the informant is seeking adjournment, I have heard the parties for consideration of ad-interim relief.
5. The FIR is lodged by one Sarveshkumar Mishra. He has stated that his father had started a flour mill at Kandivali, at CTS No.1283, Shed No.85. The flour mill was operational since 1977. The informant's father passed away in 1980. Thereafter the informant started running that mill. In 2010, SRA declared

that area as a slum area. The local residents formed Takshashila Cooperative Housing Society. The project was to be developed by Swayam Developers. All the Applicants are the partners of that firm. In 2011, the SRA conducted a survey and decided the eligibility of the structures and owners. It is his case that his flour mill was declared as eligible. The flour mill was not coming in the way of further development and therefore the developer did not demolish that particular flour mill. The informant requested the developer that the common wall should not be demolished otherwise it would cause destruction of his flour mill. It is his case that the Applicant Nirav did not accede to that request and started threatening him. In that regard, the informant lodged an N.C. No.321/2017. He also filed a suit in City Civil Court, at Dindoshi, vide the Suit No.788 of 2017. The Court had passed the order to maintain status-quo. In March 2020, because of the lockdown, the informant had gone to his native place. When he came back in the year 2021, he saw that the flour mill was locked and the watchmen were placed outside the flour mill. The flour mill was practically demolished. The articles and machines in the flour mill were not seen. The

informant contacted the Applicant Nirav. He called the informant on 12/01/2021, but he was threatened. On this basis, the FIR is lodged.

6. Learned counsel for the Applicants submitted that the project is completed and the entire project was handed over to the society which was already formed. He further submitted that the Applicants are not concerned with the alleged offence.

7. I have considered these submissions. The allegations are pertaining to the incident which had taken place in 2021. The FIR is lodged on 14/01/2023. There is no explanation for this delay at least in the FIR. For that purpose, the informant's advocate will have to be heard. However, at this stage, learned counsel for the Applicants has made out a case for ad-interim relief, particularly when, specific role of each of the accused is not mentioned except that of the Applicant No.1.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.29/2023, dated 14/01/2023, registered with Kandivali Police Station, Mumbai, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall cooperate with the investigation.
- (iii) This order shall operate till 21/06/2024.
- (iv) Stand over to 21/06/2024.

(SARANG V. KOTWAL, J.)