

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

ANTICIPATORY BAIL APPLICATION NO.1327 OF 2024

1. Jitendra @ Jitendrasingh Attarsingh
Dhakrey, &
2. Sarsha Jitendra @ Jitendrasingh DhakreyApplicants
Versus
State of Maharashtra Respondent

Mr. Vivek Babar, Advocate i/b. Viral Babar for the
Applicants.

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

CORAM : SARANG V. KOTWAL, J.

DATE : 09th MAY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.125/2024 registered with R.A. Kidwai Marg Police Station, Mumbai on 18.3.2024 under sections 177, 182, 34, 417, 420, 465, 467, 468, 471, 474 of IPC.

2. Heard Mr. Vivek Babar, learned counsel for the Applicants and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is lodged by one Vilas Bagwe. The gist of the FIR is that one SRA project was being developed by the society named Sanyukta Ekjut Co-operative Housing Society at Wadala. The gist of the allegations are that the Applicants together obtained two rooms bearing Nos.B-610 and B-1009 in that scheme. There are allegations that the Applicants were not eligible for either of these rooms. At the highest they could have obtained one room. The Committee Members of the society also helped them in obtaining those rooms.

4. Learned counsel for the Applicants submitted that the informant is not an aggrieved person. He was not concerned with the project but he had filed one complaint against the Applicant No.2 under Section 138 of Negotiable Instruments Act and, therefore, there was enmity between them. He has filed this FIR with malafide intentions. At the

first instance the Police have not taken any cognizance and, therefore, the informant had made an application before the learned Magistrate. Thereafter an order under Section 156(3) of Cr.P.C. was passed and then this FIR is lodged.

5. Learned counsel further submitted that the Applicants have obtained possession of only room No.B-1009. The allegations in the FIR are not correct. The Applicants are residing at Vasai. The Applicant No.1 is 69 years of age and the Applicant No.2 is 65 years old lady. Their custodial interrogation is not necessary.

6. Learned APP submitted that the Applicants be directed to attend the police station and to cooperate with the investigation.

7. Considering both these submissions, today the Applicants can be protected by way of ad-interim relief with directions to cooperate with the investigation.

8. Hence, the following order:

ORDER

- (i) In the event of their arrest in connection with C.R.No.125/2024 registered with R.A. Kidwai Marg Police Station, Mumbai, till the next date, the Applicants be released on bail on their executing 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) This order shall operate till 5.7.2024.
- (iii) The Applicants shall attend the concerned Police Station on 21st and 22nd May, 2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. The Applicants shall cooperate with the investigation.
- (iv) Stand over to 5.7.2024.

(SARANG V. KOTWAL, J.)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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