

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

Anticipatory Bail Application No.1508 of 2024

Badruddin S. Manihar

Age 37 years, Occ: Business

r/a Room No.45, First lane, SCK

Mandal near Madina Masjid, Kurla (W),

Mumbai-400 070

... Applicant.

Vs.

The State of Maharashtra

(through BKC Police Station)

... Respondent.

Mr Sayyed Navid Jilani, for applicant.

Ms Mahalaxmi Ganapathy, APP for respondent/State.

PSI Rahul Chandanshiv, BKC Police Station is present.

Coram: R. N. Laddha, J.

Date : 18 June 2024.

P.C. :-

Heard Mr Sayyed Navid Jilani, the learned Counsel representing the applicant, and Ms Mahalaxmi Ganapathy, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application seeking pre-arrest bail filed by the applicant, who is apprehending arrest in CR No.0217 of 2024, registered at Bandra-Kurla Complex Police Station, for offences punishable under Sections 380, 448, 457, 506 read

with 34 of the Indian Penal Code.

3. The prosecution alleges that the applicant, along with others, committed lurking house trespass at night in the premises of the first informant and her family members, and stole four hard disks drive, raw footage of film shooting, sound cards, shooting clothes and jewellery.

4. Mr Sayyed Jilani, the learned Counsel, appearing on behalf of the applicant, submits that the underlying issue is a property dispute that has been wrongly escalated to a criminal case. As a social activist, the applicant has been vocal about unlawful occupation of property. The applicant has uncovered numerous illegal activities of the builders, resulting in their losses, and in order to settle the scores, the applicant has been falsely implicated in the present crime.

5. Ms Mahalaxmi Ganapathy, the learned Additional Public Prosecutor, appearing on behalf of the respondent/ State, submits that the offence is serious and investigation is at a nascent stage. It is imperative to consider the details mentioned in the FIR, where the applicant is explicitly named and assigned a particular role. The applicant has criminal antecedents with 14 offences recorded and additional 15 non-

cognizable offences. Furthermore, the stolen items are yet to be recovered. The applicant's custodial interrogation is necessary.

6. Upon perusing the record, it appears that the applicant is mentioned in the FIR with a specific role assigned. The accusation states that the applicant, along with others, forcibly entered Room No.916, which is occupied by the first informant and unauthorisedly occupied it, and stole the items stored therein. These stolen items are yet to be recovered. Additionally, there are 29 other offences registered against the applicant. In these circumstances, the custody of the applicant would be necessary for further investigation. Given the above, this Court is not inclined to exercise its discretion in favour of the applicant. Resultantly, the present application stands rejected.

[R. N. Laddha, J.]