

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

Anticipatory Bail Application No.1774 of 2024

1. Vikas Jeeraj Singh

Age-32 years, Occ: Businessman

Residence of-D-1001,

New MHADA Tower, Swami

Samarth Nagar, Lokhandwala,

Back road, Andheri (West),

Mumbai-400 055.

2. Paramjeet Jeeraj Singh

Age -32 Years, Occ: Businessman

Residence of-D-1001,

New MHADA Tower, Swami

Samarth Nagar, Lokhandwala,

Back road, Andheri (West),

Mumbai-400 055.

3. Seema Singh

Age 33 years, Occ-businessman

Residence of-D-1001,

New MHADA Tower, Swami

Samarth Nagar, Lokhandwala,

Back road, Andheri (West),

Mumbai-400 055.

... Applicants.

Versus

The State (At the instance of

Sr.Inspector of police,

Khar Police Station, Khar (West)

Mumbai-400 064

... Respondent.

Mr Abhishek Mishra for the applicant (through VC)
Mr CD Mali, APP, for respondent/ State.
PSI Laxman Kakde, Khar Police Station, Mumbai, is present.

Coram: RN Laddha, J.
Date: 2 July 2024

P.C.

Heard Mr Abhishek Mishra, the learned Counsel for the applicants and Mr CD Mali, the learned Additional Public Prosecutor, representing the respondent/ State.

2. In this application, the applicants have approached this Court seeking anticipatory bail in connection with the FIR bearing CR No.496 of 2024 registered with Khar Police Station, Mumbai, for the offences punishable under Sections 323, 448, 452, 504, 506 read with 34 of the Indian Penal Code.

3. It is the case of the prosecution that the informant purchased a flat through an auction conducted by the Punjab National Bank. After completing all formalities, the Bank issued a sale certificate to the informant. However, the flat's owner, the applicant No.3 and her husband applicant No.1, refused to vacate the flat. Consequently, the Bank initiated a legal proceedings against applicant No.1. Following due process, the Court Commissioner handed over the possession to the Bank. Subsequently, the informant got possession of the flat from the Bank. Despite this,

applicant No.1 and others forcibly entered the society premises, abused and assaulted the society secretary, and the informant and took forcible possession of the flat.

4. Mr Abhishek Mishra, learned Counsel for the applicants, contends that the allegations in the FIR are baseless. According to him, the applicants never accessed the flat in question. In fact, the informant is the possessor of the flat. Moreover, nothing is to be recovered or discovered from the applicants. Notably, the FIR does not mention the name of the applicant No.3.

5. On the other hand, Mr CD Mali, the learned APP submits that the applicants forcefully entered into the flat with the intention of taking possession by force. The CCTV footage confirms that the applicants along with others entered the society premises.

6. After reviewing the records and considering the arguments presented by both parties, it appears that the applicant No.3 is not named in the FIR. The completion of the investigation is not the matter of contention. The applicants do not assert any ownership rights over the flat in question. There is nothing to be recovered from the applicant. The learned APP fairly acknowledge that the applicants were not captured on CCTV footage while entering the flat. Additionally, there are no criminal antecedents against the

applicants. The applicants are willing to cooperate with the investigation. The apprehension of the prosecution that the applicant may tamper with the prosecution evidence can be taken care of by imposing suitable conditions. In view of the above, the application is allowed in the following terms.

(i) In the event of the applicants' arrest in CR No.496 of 2024 registered with Khar Police Station, Mumbai, they be released on bail upon furnishing a PR Bond of Rs.25,000/- each with one or more sureties in the like amount.

(ii) The applicants shall co-operate with the investigation and report to the Khar Police Station, Mumbai, as and when required.

(iii) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

7. The application stands disposed of accordingly.

[RN Laddha, J.]