

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

**Anticipatory Bail Application No. 1980 of 2024**

1) Hema Mahendra Raut  
Age 53 years, Occ. Housewife,  
Adult, Indian Inhabitant

2) Priya Mahendra Raut  
Age 32 years, Occ. Housewife,  
Adult, Indian Inhabitant

3) Pradnya Mahendra Raut  
Age 29 years, Occ. Housewife,  
Adult, Indian Inhabitant,  
All three residing at 68, Raut House,  
Ramchandra Pawaskar Road,  
Near Mondkar Doctor,  
Dahisar (West), Mumbai – 400 068.

... Applicants

Vs.

The State of Maharashtra  
At the instance of Sr. P.I.  
MHB Colony Police Station,  
Borivali (West), Mumbai – 400 103.

...Respondent

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Mr Sunny Waskar a/w Ms. Harshada Morey, a/w Shamish Marwadi a/w  
Shailesh Rajbhar, for the Applicants.

Mr Arfan Sait, APP for the Respondent – State.

PSI U Khose, MHB Colony Police Station, is present.

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**Coram: R. N. Laddha, J.**

**Date: 8 August 2024**

**P.C.**

By this application, the applicants seek anticipatory bail in  
connection with CR No.1004 of 2022, registered at MHB Colony

Police Station, Mumbai, for the offences punishable under Sections 353, 504 and 506 read with 34 of the Indian Penal Code.

2. The complainant, Yogesh Konkani, serves as a Sub-Engineer in the R/E Ward of the Municipal Corporation of Greater Mumbai (MCGM) in Dahisar West, Mumbai. He began his service with MCGM as a Junior Engineer in December 2021. The allegation pertains to unauthorised construction carried out by Padmakar Raut, for which, in 2011, the MCGM issued a notice under Sections 351 of the Mumbai Municipal Corporation Act, 1888. Raut challenged this notice by filing a suit in the Dindoshi City Civil Court, Mumbai, which subsequently directed the demolition of the unauthorised construction. Raut then appealed this Court before this Court, which, on 23 November 2021, passed an Order for demolition. In pursuance of the Court's order, the MCGM's officials planned to demolish the premises on 28 April 2022. However, because of the need for police protection and the opposition from Raut's family members, the demolition did not occur that day. Furthermore, on 21 September 2022, officers from MCGM and their staff arrived at the spot accompanied by police personnel to carry out the demolition. The complainant was present during this operation; at that moment, the applicants vehemently opposed the demolition work, raising their voices and directing abusive language towards the MCGM staff and police officers. Allegedly, they even threw objects at the MCGM staff and police. Inside the house, three women from Raut's family closed the door, obstructing the MCGM staff from performing their duty effectively. The applicants

engaged in a scuffle with both the police and MCGM staff, which further hindered the demolition process.

3. Mr Sunny Waskar, the learned Counsel appearing on behalf of the applicant, submits that the applicants are innocent and falsely implicated in the present crime. Applicant No.1 is a cancer patient, and applicant No.2 is the mother of an eight-month old child. The investigation is over, and nothing is to be recovered or discovered from the applicants.

4. On instructions, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, acknowledges that the custodial interrogation of the applicant is not necessary and the prosecution does not intend to arrest the applicants.

5. After perusing the records, it appears that the investigation is complete, and the charge sheet has been filed. There is nothing to be recovered or discovered from the applicants. The applicants are women; one is a senior citizen, another is battling cancer and the third has an eight-month-old child. Moreover, the prosecution does not seek the custody of the applicants. In the peculiar facts and circumstances of the case, this Court is inclined to grant pre-arrest bail to the applicants. Hence, the following order:

### **ORDER**

- (i) In the event of the applicants' arrest in CR No.1004 of 2022, registered at MHB Colony Police

Station, Mumbai, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants, themselves or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R. N. Laddha, J.)