

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

Anticipatory Bail Application No.2184 of 2024

1. Swati Bhalchandra Aadhav

Age: 48 years, Adult,
Occupation: Household

2. Shruti Bhalchandra Aadhav

Age: 33 years, Adult,
Occupation: Household,
All Nos. 1 to 2, residing at
Shantakunj Building,
Opp. Karva Hosptial, Tilak Road,
Dombivli (E), Dist. Thane

... Applicants

v/s.

State of Maharashtra

(At the instance of Police Inspector,
Dombivli Police Station, Dombivli)

Vide their C.R. No.584 of 2024

... Respondent

Ms Sonia Santis, i/b. Mohammed Umar Kazi, for the applicant.

Mr Amit A Palkar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 5 August 2024

P.C. :

This is an application for pre-arrest bail filed by the applicants, apprehending arrest in CR No.581 of 2024, registered at Dombivli Police Station, Thane, for the offences punishable under Sections 387, 384, 323, 506(2), read with 34 of the Indian

Penal Code, and Sections 3 and 25 of the Arms Act, 1951.

2. The prosecution alleges that on 12 April 2024, around 11:15 p.m., the applicants and the co-accused went to the informant's house and turned off the lights. When the informant stepped outside, the applicants verbally abused him, and the co-accused used a revolver to intimate him into vacating the rented premises.

3. Ms Sonia Santis, the learned Counsel appearing on behalf of the applicants, asserts that the applicants have been falsely implicated in the present crime. According to the learned Counsel, a tenancy dispute exists between the applicants' family and the informant, and civil litigation is pending before the competent Court. The applicants are accused of being present during the alleged incident and of verbally abusing the informant. Ms Santis points out an unexplained 45-day delay in filing the FIR. She also highlights that the co-accused, Rahul, who allegedly threatened the informant with a revolver, has already been granted bail, and nothing is to be recovered from the applicants. The applicants are ready and willing to cooperate with the investigation.

4. Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicants

and co-accused conspired to threaten the informant into vacating the premises. The offence is serious, and the investigation is in progress. According to the learned APP, granting anticipatory bail could result in evidence tampering or witness influence.

5. Upon perusing the records, it appears that there are disputes between the parties concerning the tenancy of the premises, and civil litigation related to this matter is pending. The alleged incident occurred on 12 April 2024, while the FIR was registered on 27 May 2024. The delay of 45 days in filing the FIR remains unexplained. Apart from the allegation that the applicants verbally abused the informant, there is no material indicating their direct involvement in the crime. Furthermore, there is nothing to be recovered from the applicants. Notably, the co-accused, Rahul, has already been granted bail. The prosecution's concerns regarding evidence tampering and witness influence can be addressed by imposing appropriate conditions. In the circumstances, this Court is inclined to exercise its discretion in favour of the applicants, and the application is allowed. Hence, the following order:

ORDER

- (i) In the event the applicants are arrested in connection with CR No.581 of 2024, registered at Dombivli Police Station, Thane,

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 shall attend the concerned Police Station as and when required.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application is disposed of accordingly.

(R.N. Laddha, J.)