

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

**Anticipatory Bail Application No.2188 of 2024**

Swati Ramchandra Kamble  
Age-46 years, Occ - Social Worker,  
Residing at - H. No.650/0,  
Dargah Road, Dudh Bawadi,  
New Gauripada, Bhiwandi, Dist. Thane ... Applicant  
v/s.

The State of Maharashtra  
(@ the instance of Bhiwandi  
Taluka Police Station) ... Respondent

**With  
Interim Application No.3150 of 2024  
In  
Anticipatory Bail Application No.2188 of 2024**

Surender Singh Vishensingh Khalsa  
Age-60 years, Occ - Business,  
Residing at - Room No.1701, Wing-II,  
Lodha Amara, Kolshet, Thane. ... Intervenor  
(Orig. Complainant)

**In the matter between**

Swati Ramchandra Kamble  
Age-46 years, Occ - Social Worker,  
Residing at - H. No.650/0,  
Dargah Road, Dudh Bawadi,  
New Gauripada, Bhiwandi, Dist. Thane ... Applicant  
v/s.

The State of Maharashtra  
(@ the instance of Bhiwandi  
Taluka Police Station) ... Respondent

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Mr Sundeep Singh, for the Applicant.

Mr Arfan Sait, APP, for Respondent State.

Mr Sagar Joshi, for the Intervenor.

API DS Masal (Lambhate), Bhiwandi Taluka Police Station, Dist. Thane, is present.

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

**Date : 9 October 2024**

**P.C. :**

This is an for pre-arrest bail in connection with CR No.176 of 2024, registered at Bhiwandi Talukar police station, Bhiwandi, for the offences punishable under Sections 448, 454, 457 and 380 of the Indian Penal Code.

2. It is alleged that on 13 February 2017, the complainant and his partner, Gadveer Singh, purchased a Gala/Unit at Rajlaxmi Complex, Pogoan, Bhiwandi, for Rs.23,00,000/-. They received the possession letter for the Unit on 14 June 2018. After taking possession, the complainant and his brother stored construction materials there and secured them with their lock, frequently visiting the unit. It is alleged that on 2 March 2023, the applicant broke the complainant's lock and shutter of the unit, illegally took possession of the unit, and replaced the lock. The complainant reported this, and on 3 March 2023, Bhiwandi Taluka police registered an offence against the applicant. The complainant then regained possession and resumed using the unit.

On 24 January 2024, the complainant and his partner re-visited the unit and found the shutter and lock changed again. Looking through a window, they noticed their materials such as cables, iron channels and furniture were missing, replaced by cartoons and and boxes. Upon enquiry, the complainant learned that the applicant had taken possession by force again. Consequently, the complainant lodged the police report, leading to the registration of the present crime.

3. Mr Sundeep Singh, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in this crime. Drawing the Court's attention to the affidavit submitted by the applicant, the learned Counsel asserts that the applicant did not have possession of the said unit at the time of the FIR's registration or thereafter, and at no point did the applicant placed a lock on the unit.

4. Mr Arfan Sait, the learned APP, representing the respondent/State and Mr Sagar Joshi, the learned Counsel representing the intervenor submits that the offence is serious in nature. The applicant unlawfully forced entry into the complainant's unit on two separate occasions by breaking the lock. Each time, the applicant tampered with the lock to gain unauthorised access disregarding the complainant's ownership and possession over the property.

5. Upon perusing the records, it appears that the investigation is on the verge of completion. The applicant has submitted an affidavit asserting that he was neither in possession of the unit at the time of the FIR was filed nor at any point afterwards. Furthermore, the applicant claims he never placed a lock on the unit. Given these circumstances, there appears to be no need for custodial interrogation of the applicant. Accordingly, the application is allowed. Hence, the following order.

### **Order**

(i) In the event of the applicant's arrest in CR No.176 of 2024, registered at Bhiwandi Taluka Police Station, Thane, she shall be released on bail, on executing a PR bond of Rs.25,000/- and on furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant, herself 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. As a sequel the interim application also stands disposed of.

**[ R.N. Laddha, J. ]**