

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

ANTICIPATORY BAIL APPLICATION NO. 2943 OF 2024

Narayan Raghvaji Ravriya

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. S.K. Ali a/w Shabi Fatma and Ms. Pratibha Gupta i/b Shaikh Asif Ali, for Applicant.
- Mr. Prasanna P. Malshe, APP for Respondent.
- Mr. Sanjiv Punalekar a/w Mr. Sachin Kanse, for First Informant.

CORAM : MANISH PITALE, J.

DATE : 12th NOVEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant, learned APP for the respondent – State, as also the learned counsel having instructions to appear on behalf of the first informant.

2. In the present case, the applicant is apprehending arrest in connection with First Information Report No.0320 of 2024, dated 03.09.2024 registered at Police Station Kalamboli, Navi Mumbai, for offences under Section 448 of the Indian Penal Code, 1860 (IPC). This Court is informed that subsequently offences under Sections 310, 351(3) and 329(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS) have been added against the applicant.

3. The learned counsel for the applicant submitted that the genesis

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of the dispute between the parties is a civil dispute, in the sense that the informant is a licensee of the applicant and they also had a financial transaction in which the informant is liable to pay certain amount to the applicant. In the midst of such a dispute, the informant chose to make allegations against the applicant as regards trespass, which resulted in registration of the FIR. It is submitted that the applicant is ready to cooperate with the investigation.

4. On the other hand, the learned APP submitted that the applicant himself, at a point in time, has conceded to the fact that he forcibly put lock on the premises in question, thereby indicating that the ingredients of the offences registered against the applicant are made out.

5. The learned counsel having instructions to appear on behalf of the first informant vehemently submitted that documents can be placed on record to show that the conduct of the applicant was such that offences under the BNS, added subsequently, were justified. Not only did the applicant trespass into the property but, he started disposing of the material belonging to the applicant, thereby committing the offences that were subsequently added.

6. Having considered the rival submissions in the light of the documents placed on record, this Court is of the opinion that the applicant has made out a case for granting relief in the present application.

7. It is an admitted position that the informant is a licensee of the applicant and that there is a dispute between them with regard to the manner in which the informant has complied or not complied with the terms of the said agreement of leave and license. A perusal of the statement of the informant, leading to registration of the FIR itself shows that the informant has conceded that he is liable to pay an amount to the extent of ₹ 10 Lakhs to the applicant. It appears that in the backdrop of such dispute between the parties, the applicant put his own lock on the premises in question. At worst, this could be a situation of the informant being illegally dispossessed from the premises in question. The grievance of the informant could have been addressed in an appropriate proceeding before the concerned Civil Court. Even if there are certain allegations made against the applicant with regard to illegally entering into the premises and allegedly disposing of material belonging to the informant, this Court is of the opinion that the applicant has made out a strong *prima facie* case to claim that the genesis of the dispute is indeed of civil nature

8. The applicant is ready to cooperate with the investigation and therefore, a case is made out for granting anticipatory bail.

9. In view of the above, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR No.0320 of 2024, dated 03.09.2024 registered at Police Station Kalamboli, Navi Mumbai, he shall be released on bail, on furnishing PR Bond of ₹ 25,000/- with one or two sureties each in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall appear before the Investigating Officer on 14th November, and 15th November, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall cooperate with the investigation.
- (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

11. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the Trial Court shall proceed further, without

being influenced by the observations made in this order.

12. The application is disposed of.

(MANISH PITALE, J.)