

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

Anticipatory Bail Application No.3349 of 2024

1. Sajeeda Amit Samanta
Age-40 years, Occ: NA
Indian Inhabitant of Mumbai
having permanent resident at
Buddhi Chawl, Room No.3,
Link road, VTC, Malad(W),
Mumbai-400 097.
2. Arifa Sarfaroj Khan
Age: 38 Yrs, Occ: Service
Indian Inhabitant of Mumbai,
Residing at A-503, Dosti Jupiter
Estate, SM Road, Wadala (E),
Mumbai-400 037. Applicants.

Vs.

The State of Maharashtra
Through Kandivali Police Station
Mumbai Respondent.

Mr Lavkush Sharma for the applicant.
Mr Amit Palkar, APP for respondent/State.
PSI Pravin Patil, Kandivali Police Station, Mumbai.

**Coram : R.N.Laddha, J.
Date : 11 December 2024.**

P.C. :

By this application, the applicants seek pre-arrest bail in connection with CR No.888 of 2024, registered at Kandivali Police Station, Mumbai, for offences punishable under Sections 115(2), 305, 351(2), and 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 7 October 2024, the applicants and the co-accused verbally abused the informant, assaulted her with fist blows, and threatened to take her life. They also stole several essential documents, such as the title documents of properties in Ambarnath and Kuntavli, including the share certificates and nominee forms, death certificates of her husband and in-laws, birth certificate of her daughter, her name-change certificate and marriage certificate, various bills, and her Aadhar and Pan Card.

3. Mr Lavkush Sharma, the learned Counsel appearing on behalf of the applicants, contends that the applicants are the sisters-in-law of the informant. After the demise of the applicants' brother and father in 2023, the informant maintained relations with Aman Mujawar, who used to stay

in her matrimonial house. The applicants repeatedly requested the informant not to engage in such activities and permit Aman to reside in the matrimonial home. However, the informant and Aman repeatedly threatened the applicants, leading to the filing of non-cognisable complaints. The learned Counsel submits that the FIR is a retaliatory action against the non-cognisable complaints with the sole intention of usurping the properties of their late brother. Further, the learned Counsel, emphasising the applicants' innocence, submits that they have been falsely implicated in the present crime.

4. Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, opposing the request for pre-arrest bail, contends that the offence is serious. While the applicants verbally abused the informant, the co-accused assaulted her with fist blows. The incident was captured on CCTV. When applicant No.1 and the co-accused distracted the informant, an independent witness saw applicant No.2 enter the informant's house, unlock the cupboard with a key, and steal the documents by stashing them in a bag. The learned APP further submits that the stolen documents are yet to be recovered, necessitating the

custodial interrogation of the applicant.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar.

6. From a review of the records, it transpires that the applicants and the informant are close relatives. The allegations against the applicants and the co-accused are of hurling abuses at the informant, assaulting her with fist blows, and stealing essential documents. A perusal of the records, more particularly the transcript of the CCTV footage and the witness statement, *prima facie*, indicates that at the time of the incident, applicant No.1 and the co-accused quarrelled with the informant to divert her attention and enable applicant No.2 to enter her residence. Applicant No.2 then unlocked the cupboard using a key and removed the documents. She exited the house, concealing these documents in a bag. Although the applicants claim to have lodged non-cognisable complaints against the informant, nothing is on record to indicate steps taken by the applicants seeking legal redress. The stolen documents are yet to be recovered, and the investigation is ongoing. Moreover, the possibility of the applicants tampering with

the evidence and misusing the stolen documents is imminent. In the totality of the circumstances, this Court is not inclined to exercise its discretion in favour of the applicants. As a result, the application stands rejected.

[R. N. Laddha, J.]