



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

ANTICIPATORY BAIL APPLICATION NO. 1327/2024

JITENDRA @ JITENDRASINGH
ATTARSINGH DHAKREY AND ANR ..APPLICANTS
VS
STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.529/2025
IN
ANTICIPATORY BAIL APPLICATION NO. 1327/2024**

VILAS RAJARAM BAGWE ..APPLICANT
VS
STATE OF MAHARASHTRA ..RESPONDENT

Mr. Vivek Babar for the applicants
Mr. Nitin B. Patil, APP for State.
Mr. Suresh More for the applicant in IA/529/2025.
WAPI Pranita Choudhari, RAK Marg Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 12, 2025.

P.C. :

1. This Court on 27th January 2025 has passed the following order:-

1. Mr. Vivek Babar, the learned counsel appearing for the applicants, on instructions, submits that the applicants who are the husband and wife have claimed only for one room in the slum situated at Wadala, Mumbai and that room is Room No.B-1009. He submits that, pursuant to the protection of their Room No. B-1009, the

applicants were allotted a redevelopment flat in the said area, which they have since sold to a lady named Trupti More. He further submits that Trupti More has further sold the said flat to Shubhangi Patil.

2. The learned APP, on instructions, submits that the applicants have claimed two different premises being ground plus one storey. He submits that apart from Room No.B-1009, the applicants have also claimed Room No.B-610. The learned APP further submits that the applicants are likely to receive possession of the redevelopment flat, pursuant to which they are also holding Room No. B-610.

3. The learned counsel Mr. Babar submits that the applicant have not claimed Room No.B-610. He submits that the applicants are ready to file an affidavit and the documents to that effect.

4. A week's time is granted to the applicants to file an affidavit and the documents to that effect that they are not claiming any right in the respect of Room No.B-610.

5. The ad-interim protection granted earlier to continue till the next date of the hearing.

6. List the matter on 3/2/2025 under the caption ***“for circulation”***.

2. By an order dated 3rd February 2025, the applicants were directed to visit the concerned police station for recording their statements.

3. Today, the learned APP appearing for the State has made a statement that the applicants have visited the concerned police station.

4. The crux of the matter is that there is no denial that the applicants were staying in a slum at Wadala near the fish market wherein their hutment was numbered as 61/2. The said slum property went for redevelopment and two flats were allotted for the said slum structure being Flat No.B-1009 and B-610 in the building

named as Sanyukta Ekjut (SRA) Co-operative Housing Society, near Wadala Market, Wadala (W), Mumbai – 400 031.

5. It is the prosecution case that the applicants had sold his old structure and has received a sum of Rs.2 lakhs. He further submitted that the applicant have also received a sum of Rs.5 lakhs in respect of Flat No.B-1009. It is further the case of the prosecution that the flat No.B-1009, was thereafter sold by the POA by name Ashok Ringe and further rights were created.

6. It is nobody's case that the applicants are in possession of the newly constructed flats. It seems that the applicants have already filed a suit against Shubhangi Patil. So also, Shubhangi Patil has filed application in the SRA Authorities.

7. The learned APP is not able to satisfactorily answer to the queries raised by this Court as to why the custody of the present applicants is required, when they have already co-operated with the police and the police have recorded their statements.

8. In view of the above, the applicants need to be protected. Hence, the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.125/2024 registered with R.A. Kidwai Marg Police Station, Mumbai, the applicants shall be released on bail, till the filing of the charge-sheet, on furnishing P.R. bonds to the extent of Rs.20,000/- each with one or two sureties each of the like amount.

(c) The applicants shall attend the concerned police station as and when called for.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicants shall furnish details of their residential addresses, contact numbers and email addresses to the Investigating Officer.

9. The anticipatory bail application is disposed of.

10. In view of the disposal of the anticipatory bail application, **the interim application is also disposed of.**

(RAJESH S. PATIL, J.)