

Shabnoor

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

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ANTICIPATORY BAIL APPLICATION NO. 1448 OF 2024

Vipul Ramesh Kochhar & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO. 2107 OF 2024

Ashok Harbanslal Kochhar ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Tanveer Aziz Patel a/w Mr. Rahul Varde & Ms.
Mona Rajput, for the Applicants.

Mr. Sagar R. Agarkar, APP for the State-Respondent.

Mr. Rajesh More, for Intervener.

Mr. Abhang, PI, Panvel Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 23, 2025

P.C.:

1. By this application, the applicants seek pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973, as they apprehend arrest in connection with Crime Register No.230 of 2024 registered with Panvel City Police Station, for offences punishable under Sections 326, 324, 452, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860.

2. As per the prosecution, the FIR was lodged by one Ashok Kochhar. He alleged that there is a civil dispute between him and the applicants over the ownership and possession of Konkan Kinara, Subhash Punjab Hotel. On 9 April 2024, between 6:30 and 7:00 PM, while he was sitting in the hotel's hall, he heard utensils being thrown. When he checked, he saw co-accused Mithilesh throwing stones towards the hotel kitchen. On being asked to stop, Mithilesh threatened him. Thereafter, Applicant No.1, armed with a wooden stick, along with Applicant No.2 and other co-accused, came to the spot and started abusing him. Applicant No.1 hit him on the left rib with the stick. Applicant No.2 pelted stones at him. Other co-accused threw utensils. On these allegations, the FIR came to be registered.

3. Learned Advocate for the applicants submitted that the incident is recorded in CCTV footage. The investigation is complete and charge-sheet has been filed. Considering the nature of injury caused to the informant, the fact that the applicants have been protected under an interim order dated 24 May 2024 which is still in force, and that they have not misused the liberty granted, the applicants deserve to be granted bail.

4. On the other hand, the learned APP and the Advocate for the informant opposed the application. They submitted that the applicants and the informant are related, and due to strained relations, repeated quarrels and assaults have taken place, resulting in initiation of proceedings under Section 107 of the Cr.P.C. They further submitted that the applicants have taken unauthorized possession of the informant's property, created third-

party rights, and are earning income from it. On these grounds, they prayed for rejection of the bail application.

5. I have considered the rival submissions and perused the material placed on record. The allegations in the FIR show that the incident occurred in the background of a civil dispute between the parties regarding ownership and possession of the property. The alleged assault has resulted in an injury, but the investigation is already complete and the charge-sheet has been filed.

6. The applicants have been protected by an interim order of this Court dated 24 May 2024. During this period, there is nothing on record to show that the applicants have misused the liberty or violated any condition. The apprehension expressed by the prosecution and the informant can be taken care of by imposing suitable conditions.

7. Considering these circumstances, in my view, custodial interrogation of the applicants is not necessary. The applicants deserve to be granted pre-arrest bail.

8. Hence, following order:

a) In the event of arrest in connection with Crime Register No.230 of 2024 registered with Panvel City police station, for offences punishable under Sections 326, 324, 452, 143, 147, 148, 149, 504 and 506 of IPC, the applicants be released on bail on furnishing P.R. bond of Rs.25,000/-, each along with one or two sureties in the like amount.

b) The applicants, *Vipul Ramesh Kochhar* and *Gaurav*

Ramesh Kochhar shall remain present before the concerned police station as and when called by the investigating officer.

c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicants shall not indulge in any criminal activity during the pendency of the trial.

f) The applicants shall, at the time of execution of the bond, furnish thier address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

9. The Anticipatory Bail Application stands disposed of in above terms.

10. In view of the disposal of the Anticipatory Bail Application, the interim application stands disposed of.

(AMIT BORKAR, J.)