

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

Anticipatory Bail Application No. 3571 of 2024

1. Vicky Dilip Deshmukh
Age 30 years, Occ. Builder,
R/o. Dahiwali, Post – Badlapur,
Taluka – Ambernath, Dist. Thane.

2. Ishan Bhalchandra Tupange
Aged 32 years, Occ. Builder,
R/o. Dahiwali, Post – Badlapur,
Taluka – Ambernath, Dist. Thane.

... Applicants

versus

The State of Maharashtra
(At the instance of Kulgaon Police
Station, Dist. Thane)

...Respondent

with

Interim Application No. 527 of 2025

in

Anticipatory Bail Application No. 3571 of 2024

Shastikar Mohammed Yusuf
Age 53 years, Occupation – Nil,
R/at : A/207, 2nd Floor, Royal Park,
Ek Veera Nagar, Savre Road,
Kudsavre Vangani (W),
Tal. Ambernath, Dist. Thane.

... Intervenor

In the matter between

1. Vicky Dilip Deshmukh
Age 30 years, Occ. Builder,

R/o. Dahiwali, Post – Badlapur,
Taluka – Ambernath, Dist. Thane.

2. Ishan Bhalchandra Tupange
Aged 32 years, Occ. Builder,
R/o. Dahiwali, Post – Badlapur,
Taluka – Ambernath, Dist. Thane.
versus

... Applicants

The State of Maharashtra
(At the instance of Kulgaon Police
Station, Dist. Thane)

...Respondent

Mr Maqsud A Patel a/w Mr Shakir Shaikh, for the Applicants.
Mr S M Mangaonkar, APP, for Respondent / State.
Mr Mayur H Sosa i/b Mr Abhay Bhoir, for the Intervenor.
HC S M Dhanwade, Kulgaon Police Station, is present.

Coram: R.N. Laddha, J.
Date: 1 August 2025

P.C.:

. Heard Mr Maqsud Patel, the learned Counsel appearing on behalf of the applicants, Mr S M Mangaonkar, the learned Additional Public Prosecutor representing the respondent / State and Mr Mayur Sosa, the learned Counsel for the intervenor.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 90 of 2024, registered at Kulgaon

Police Station, Thane Rural, for the offences punishable under Sections 305, 351(2), 351(3) and 331(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the contents of the FIR it is revealed that on 30 August 2024, during the time interval between 11:00 a.m. and 1:44 p.m., the applicants (original accused), along with their associate, are alleged to have committed the offence of theft. It is stated that they unlawfully entered the complainant's residence by forcibly breaking the lock on the main door. Thereafter, they are alleged to have stolen a cash amount of Rs.30,000/-, a Nokia Mobile worth Rs.500/-, a power bank valued at Rs.1,000/-, the complainant's passport and various other documents and personal belongings.

4. The learned Counsel for the applicants asserts the applicants' innocence and submits that the applicants have been falsely implicated in the present case. He submits that the articles related to the alleged offence were already found from the premises by the informant himself, and as such, there remains no necessity for any further recovery or discovery from the present applicants. The FIR, he argues, was registered merely on the basis of suspicion, without any concrete material indicating the involvement of the applicants. Furthermore, the learned Counsel brings to the attention of this Court that the

first informant has voluntarily filed an intervention application, in which he has unequivocally stated that he does not wish to pursue the prosecution. On the contrary, he has expressed his intention to support the applicants/accused in securing anticipatory bail.

5. Upon perusing the records, it appears that the informant has submitted an intervention application, in which he has explicitly stated that he has no objection to the grant of anticipatory bail in favour of the applicants. Additionally, the prosecution has recorded the informant's statement on 14 July 2025, wherein he has categorically affirmed that all the stolen articles have since been found in the premises. He has also clarified that the FIR was lodged against the applicants solely on the basis of suspicion.

6. In light of this, this Court deems it fit to allow the application. Accordingly, the following order is passed :

ORDER

In the event of the applicants' arrest in connection with CR No.90 of 2024, registered at Kulgaon Police Station, Thane Rural, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

7. The application stands disposed of accordingly. As a sequel, the interim application also stands disposed of.

(R.N. Laddha, J.)