

AGK

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

BAIL APPLICATION NO.2540 OF 2025

Ramesh Siddhappa Pujari	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Dilip H. Shukla with Mr. Abhinesh Yadav and Mr. D.K. Shukla for the applicant.

Mrs. Shilpa G. Talhar, APP for the respondent-State.

Mr. Yogesh Raut, API, Samtanagar Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2025

P.C.:

1. This is an application preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking grant of regular bail in connection with Crime Register No. 509 of 2024 registered with Samata Nagar Police Station, Mumbai. The said crime is registered for the offences punishable under Sections 323, 420, 452, 467, 469, 471, 504, 506, and 120-B of the Indian Penal Code, 1860.

2. As per the prosecution case, the allegations are that on 3rd March 2019, at around 1:30 p.m., the applicant along with co-accused persons, namely Vishnu Vitkar, Mangesh More, and four others, forcibly entered into the residential premises of the

informant and took possession thereof on the basis of a forged document, which allegedly bears a fabricated signature of the informant. It is further alleged that the applicant and other accused persons physically assaulted the informant's brother and sister-in-law using bamboo sticks at the relevant time. It is to be noted that the First Information Report came to be registered only on 10th July 2024.

3. Learned Advocate appearing for the applicant submitted that the role attributed to the applicant is similar to that of one Mangesh More, who has already been granted anticipatory bail by the learned Sessions Court. It is submitted that though the allegations are of forcible dispossession, the same are essentially in the nature of a civil dispute relating to possession of property, now given a criminal colour. It is further submitted that the allegations pertain to an incident which allegedly occurred more than five years prior to the lodging of the FIR, and there is unexplained delay in registration of the same. The learned Advocate, therefore, urged that the applicant be released on bail on the ground of parity and delay.

4. On the other hand, the learned APP opposed the application and submitted that the applicant has played an active role in forcibly dispossessing the informant from the house by using violence and threats. It is submitted that the applicant has criminal antecedents, and in view of his past conduct, there is a reasonable apprehension that he may indulge in similar acts or tamper with the prosecution witnesses if released on bail. The State, therefore, prayed for rejection of the application.

5. I have considered the submissions of both sides and perused the material on record. It is not in dispute that the alleged incident is of the year 2019, whereas the FIR has been registered only in July 2024. There is no satisfactory explanation from the prosecution for such a long delay. Prima facie, it appears that the dispute relates to possession of immovable property, and whether the documents in question are forged or not is a matter of trial, to be proved by evidence.

6. It is also a matter of record that one of the co-accused, Mangesh More, has already been granted anticipatory bail, and the role attributed to the present applicant is not shown to be graver or distinct. Thus, the applicant is entitled to claim parity.

7. So far as the allegation of antecedents is concerned, no specific details have been placed on record by the prosecution to show that the applicant is a habitual offender or that he poses a real threat of tampering with evidence or intimidating witnesses. Moreover, the applicant is stated to be a permanent resident and is willing to abide by all the conditions that may be imposed by this Court.

8. Considering the overall facts and circumstances of the case, nature of allegations, the delay in lodging FIR, and the principle of parity, I am of the view that the applicant deserves to be released on bail.

9. Hence, following order:

- i) The bail application is allowed;

- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.509 of 2024 registered with Samata Nagar Police Station, Mumbai for offences punishable under Sections 323, 420, 452, 467, 469, 471, 504, 506 and 120-B of the Indian Penal Code, 1860, upon furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) along with one or more solvent sureties in the like amount to the satisfaction of the Trial Court, subject to the following conditions:
- a) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - c) The applicants shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - d) The applicants shall not indulge in any criminal activity during the pendency of the trial.
 - e) If any of the above conditions are breached, it shall be open to the prosecution to seek cancellation of bail.
10. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)