

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

ANTICIPATORY BAIL APPLICATION NO.783 OF 2025

Nisha Agnihotri And Anr ...Applicants
Vs
State Of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.814 OF 2025**

Pramod @ Padbidi
Laxmanradhakrushna Shenoy ...Applicant
Vs
State Of Maharashtra ...Respondent

Mr.Vaibhav Kadam a/w. Adv. Shrinath Badade a/w. Adv. Vedika Bhoir
a/w. Adv. Shweta Jadhav, Advocate for the Applicants.

Mr. Nanad S. Shalgaonkar, APP for the State.

Mr. Anthony Steven a/w. Mr. Ayaad P, Advocate for the Complainant.

Mr. Ravindra Pawar, Head Constable Khar Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 25 MARCH 2025

P.C.:

1. The present Application is filed by the Applicant under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023, for anticipatory bail in connection with C.R. No.0125 of 2025, dated 15 February 2025, registered with Khar Police Station, District Brihanmumbai, under Sections 329 (4), 324 (4), 62, 3 (5), 61 (1) (2), 238, 351 (2), (3), 352,

46, 309 (4), 161 (2) (3), 194, 331 (4), 333 of the BNS Act, 2023.

2. Mr. Vaibhav Kadam, the learned advocate for the applicant in Anticipatory Bail Application No. 783 of 2025, submits that the applicants, without admitting guilt, are paying a sum of Rs. 1,00,000/- to the informant by way of a cheque. He further submits, on instructions from his clients, that the said cheque, upon presentation, will be honored as there is sufficient balance in the account from which it has been issued. The assurance given by Mr. Kadam on behalf of the applicants is accepted as an undertaking to this Court.

3. In the present applicants anticipatory bail application has been filed by the applicants in anticipatory bail application no.783 of 2025 and applicant in ABA/814/2025.

4. In the complaint lodged by the informant, which forms part of the FIR, a specific role of the present applicant has been mentioned. On behalf of the applicant, it is submitted that the applicant in ABA/814/2025 is the father of the informant. The applicant is around 89 years of age, the mother of the informant, has passed away. At present, he is residing in Vasai and had entered into an agreement with the applicant in ABA/783/2025 concerning the subject flat. Based on incorrect information, his son, the informant, has lodged an FIR against him as well as against the other applicants in ABA/783/2025.

5. The Sessions Court, without considering the documents on record and the age of the applicant in ABA/814/2025, has rejected the anticipatory bail application. The applicants in both anticipatory bail applications are ready to cooperate with the police. To demonstrate their bona fides, the applicant in ABA/783/2025 has, without admitting guilt, handed over a cheque of Rs. 1,00,000/- to the informant in this Court today in order to compensate the informant, whose case is that the applicants called certain persons and forcefully attempted to remove the furniture and fixtures from the subject flat in which the informant was residing. The applicants reiterate their willingness to cooperate with the police.

6. The learned APP and the learned advocate for the informant have opposed these applications, submitting that the Sessions Court, by a well-reasoned order, has rejected the anticipatory bail applications of both the applicants. It is further submitted that there is CCTV footage showing that the applicants barged into the subject flat along with certain unknown persons and attempted to remove the furniture and fixtures belonging to the informant, causing damage to the informant's property in the process. The custody of the present applicants is necessary as they are likely to tamper with the evidence and may cause harm to the informant.

7. The learned APP also submits that a specific order was passed by the Single Judge of this Court on 17 January 2017 in First Appeal No. 1452 of 2016, and by the act stated in the FIR, the present applicants have committed an offence of contempt of the order passed by this Court.

8. I have heard all the parties and have gone through the documents on record. It is the case of the informant that his father, who is the applicant in ABA/814/2025, is in a live-in relationship with applicant No. 1 in ABA/783/2025 in the subject premises. The applicant, being the son of the present applicant (Pramod Shenoy), along with his mother and other siblings, resides in the said premises. His mother had filed a suit in the City Civil Court against his father. I have been shown the order passed by the City Civil Court, wherein the suit was decreed against the present applicant.

9. In the First Appeal filed before this Court, this Court, by its order dated 17 January 2017, disposed of the civil application filed by the mother of the informant. The mother of the informant had appeared in person before this Court, pleading that the present applicant (Pramod Shenoy) was attempting to forcefully remove her and her children from the suit flat. This Court (Coram: M.S. Sonak, J.) noted the judgment and decree passed in favor of the mother of the informant, wherein the applicant (Pramod Shenoy), the applicant Nisha Agnihotri, and their

servants and agents were perpetually restrained from causing obstruction, interference, or dispossession of the mother of the present informant from Flat No. 2D, situated at Bandra Hormuzd Cooperative Housing Society Limited, 44, Pali Mala Road, Bandra (W), Mumbai, without following due process of law.

10. Considering the age of the applicant (Pramod Shenoy), who is 89 years old, and the age of the applicant Nisha Agnihotri, who is 64 years old, and the fact that they have voluntarily deposited a sum of Rs. 1,00,000/- with the informant as of today, the custody of the present applicants would not be necessary if certain stringent conditions are imposed on them. According to me, a prima facie case is made out for granting anticipatory bail on the following conditions:-

ORDER

(a) The Anticipatory Bail Applications are allowed.

(b) In the event of arrest of the Applicants C.R. No.0125 of 2025, dated 15 February 2025, registered with Khar Police Station, District Brihanmumbai, under Sections 329 (4), 324 (4), 62, 3 (5), 61 (1) (2), 238, 351 (2), (3), 352, 46, 309 (4), 161 (2) (3), 194, 331 (4), 333 of the BNS Act, 2023. the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.20,000/- with one or more sureties of the like amount.

(c) The Applicants shall co-operate with the investigation and attend and meet the investigating officer of the concerned police station, as and when called.

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

(e) The Applicants shall furnish their contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicants and their surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

11. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)