

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO.1658 OF 2025

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AYUB
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Ajit Shrinath Singh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Rahul Arote, for the Applicant.

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

Mr. Nitin Arwade, Head Constable, Kharghar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 22, 2025

P.C.:

1. By this application, the applicant has sought pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The applicant claims apprehension of arrest in connection with Crime Register No.100 of 2025 registered at Kharghar Police Station for offences punishable under Sections 31(4), 329(4), 305 and 3(5) of the Bharatiya Naya Sanhita, 2023.

2. The prosecution case is that the complainant runs a momos business in Kharghar. For housing his employees, he had rented premises owned by the wife of the applicant. A leave and license agreement was executed between the complainant's wife and the applicant's wife. It is alleged that on 5th March 2025, between

6:45 PM and 12:30 AM of 6th March 2025, the applicant, his wife and their associates entered the said premises unlawfully with the intention of taking forcible possession. It is further alleged that they removed the complainant's belongings as mentioned in the FIR. On these allegations, the crime came to be registered against the applicant.

3. The learned advocate for the applicant submitted that the complainant had voluntarily handed over possession of the property. According to him, the criminal case is false and has been lodged only because the applicant was pressing for arrears of leave and license charges. It is further argued that there is no material on record to implicate the applicant and even the statements of the witnesses recorded by the investigating agency do not disclose anything against him. On these grounds, it was prayed that the applicant be granted pre-arrest protection.

4. On the other hand, the learned Assistant Public Prosecutor opposed the application. He submitted that the allegations against the applicant are serious and custodial interrogation is necessary. Hence, he prayed for rejection of the application.

5. I have considered the rival submissions and perused the material on record. The allegations in the FIR mainly relate to the dispute over possession of the rented premises. The prosecution case is that the applicant, along with his wife and associates, forcibly entered the premises and removed the belongings of the complainant. On the other hand, the applicant has come out with a case that the possession was voluntarily handed over and that the

dispute arises out of arrears of leave and license charges.

6. It is well settled that in cases arising out of civil or commercial disputes, if criminal allegations are made, the Court must be cautious in balancing the liberty of the accused with the need for investigation. In the present case, the record does not disclose any material to show that custodial interrogation of the applicant is essential. The statements of witnesses do not specifically attribute any overt act to the applicant which would justify his arrest.

7. Having regard to the facts of the case, it appears that the dispute is essentially of a civil nature, though it has been given a criminal colour. At this stage, the continued custodial interrogation of the applicant is not warranted. Safeguards can be imposed to ensure cooperation with the investigation.

8. Hence, following order:

a) In the event of arrest in connection with Crime Register No.100 of 2025 registered with Kharghar police station, for offences punishable under Sections 31(4), 329(4), 305 and 3(5) of BNS, the applicant be released on bail on furnishing P.R. bond of Rs.15,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station as and when called by the investigating officer.

c) The applicant 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 applicant 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 applicant shall, at the time of execution of the bond, furnish his 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.

(AMIT BORKAR, J.)