

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

ANTICIPATORY BAIL APPLICATION NO. 3345 OF 2025

Kulsum W/o Faiyaz Khan and Anr. ...Applicants

V/s.

The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO. 4646 OF 2025**

Mr. Amit G. Dubey i/b Mr. Ashok M. Saraogi, Advocate for the Applicant.

Mr. B. V. Holambe Patil, APP for the Respondent/State.

Adv. Sadhna Singh, Advocate for Intervener.

CORAM : N.R. BORKAR, J.
DATE : 12.01.2026.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicants are apprehending their arrest in Crime No. 478 of 2025 registered at Goregaon Police Station, for the offences punishable under Sections 329(4), 305 & (3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The husband of the applicant was the owner of

commercial premises being Unit No. 18A, situated in the building known as Shamroz Industrial Estate, Ram Mandir Road, Goregaon (West), Mumbai-400 104. According to the prosecution, on 06.08.2013 the said premises was leased out to the first informant and he was using the said premises for manufacturing switch buttons etc. On 18.03.2025, the first informant locked the said premises and left for Rajasthan for four days. It is alleged that when he returned back on 23.03.2025, he found that the possession of the said premises was unlawfully taken by the present applicant. It is further alleged that the machineries which were there in the said premises belonging to the first informant, were also stolen.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the first informant.

5. The learned counsel for the applicant submits that on the date of alleged incident the applicant was not in possession of the premises in question as the possession of the same was handed over to her husband during his lifetime. It is submitted

that the dispute between the parties, if any, is of civil nature. It is further submitted that afterthought allegations are made in relation to the theft of machinery as the same were not made in the first information report. It is submitted that there is no need of custodial interrogation and the applicant is ready and willing to co-operate in the investigation. In support of submission that on the date of alleged incident the first informant was not in possession of premises in question, the learned counsel for the applicant has filed on record affidavit of persons occupying the adjacent premises.

6. On the other hand, the learned APP for the respondent-State and the learned counsel for the first informant submit that no document is filed on record to show alleged handing over of the possession by the first informant. It is submitted that, considering the nature of crime, the applicant may not be released on anticipatory bail.

7. The fact that the premises in question was leased out to the applicant is not disputed. There are documents to show that the first informant was in possession of the premises in question.

There is nothing to show that the possession of the premises in question was handed over to the husband of the present applicant. *Prima-facie*, it appears that the applicant has unlawfully taken the possession of premises in question. Considering the overall circumstances, I am not inclined to release the applicant on anticipatory bail. The application is rejected.

8. Interim application stands disposed of.

[N.R.BORKAR, J.]