

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 141 OF 2026

Naresh O. Jain ...Applicant
V/s.
The State of Maharashtra ...Respondent.

AND
ANTICIPATORY BAIL APPLICATION NO. 143 OF 2026

Pravin Ranka ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Prasad Dhakephalkar, Senior Advocate a/w. Adv. Saili Dhuru, Adv. Sumitkumar Nimbalkar, Adv. Kevin Pereira, Adv. Sanika Joshi and Adv. Anay Joshi for the Applicants.
Mrs. Rutuja Ambekar, APP for the Respondent/State in ABA/141/26.
Mr. V.N. Sagare, APP for the Respondent/State in ABA/143/26.
Mr. Priyatosh R. Tiwari for the First Informant.

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CORAM : N.R. BORKAR, J.
DATE : 21.01.2026.

P.C. :

1. Both these applications filed for anticipatory bail are arising out of one and the same crime. They are thus being disposed of by this common order.

2. The applicants are apprehending their arrest in Crime No.1309 of 2025 registered at Santacruz Police Station for the offences punishable under Sections 318(4), 331(3), 335, 336, 338, 340, 305, 324(5), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that the Aunt of the first informant namely Neera Akre, was the owner of room No.24, Plot No.T-170, Mangalwadi, Juhu Tara Road, Santacruz (W), Mumbai. It is alleged that the said Neera Akre passed away on 25th February 2025, prior to which she had executed a Will dated 5th September 2024, thereby bequeathing the said room No.24 as well as her valuable belonging therein upon the first informant. It is alleged that on 26th October 2025, the present applicants got demolished the said room No.24 for the purpose of development as well as committed theft of the valuables therein. Accordingly, the present crime came to be registered.

4. I have heard the learned senior advocate appearing for the applicants, the learned APP for the respondent / State and the learned counsel for the respondent No.2/first informant.

5. Learned senior advocate for the applicants has drawn my attention to the averments made in the writ petition filed by the said Neera Akre before this Court in the year 2012. The paragraph Nos. 3 to 5 of the said petition reads thus:

“3. The Petitioner states that the Petitioner along with her brother and sister was in possession of totally eight rooms. The Petitioner's bother was having in his name and possession room no. 18, 19, 24 & 30 and Room no. 20 is in the name and possession of the Petitioner. The Petitioner states that she is having electrical meters in her name since 1999. The Petitioner is the owner in respect of room no. 20 situated at T-170, Mangalewadi, Juhutara Road, Santacruz (W) Mumbai. The Petitioner states that she is having ration

card, election card, electricity bill to show that she is the owner and in possession of room no. 20. Hereto annexed and marked as Exhibit-'A'(Colly) are the copies of the election card, electricity bill, ration card.

4. The Petitioner states that since last five years, two persons by name Mr. Pravin Ranka and Naresh Jain spread rumour that SRA scheme has been implemented in the area, and started purchasing the rooms in the area. The Petitioner states that the brother of the Petitioner has also sold Rooms no. 30, 18, 24, 28 to the Mr. Pravin Ranka and Naresh Jain. The Petitioner states that Mr. Pravin Ranka by taking benefits of illiteracy & lack of knowledge of English, the Petitioner's brother, has executed agreement of sale in English language thereby mentioning the rooms no. 30, 18, 20, 28 instead of 30, 1to8, 24, and 28. The Petitioner states that room no. 18 and 24 are adjacent to each other and entry of room no. 24 is from room. no. 18. The Petitioner states that Mr. Pravin Ranka in order to deceive the brother of the Petitioner has fraudulently registered the agreement. The Petitioner states that when Petitioner's brother asked Mr. Ranka for the agreement to get it read from someone and thereafter the same would be registered, then the Mr. Ranka told that he has taken token to register It. The Petitioner states that Mr. Ranka further asked the brother of Petitioner that first to get the agreement registered and then take the copy of the agreement and accordingly, the Petitioner's brother registered the agreement. The Petitioner states that Mr. Ranka thereafter has avoided giving a copy of the agreement to the Petitioner's brother for One year.

5. The Petitioner states that when the Petitioner's brother received copy of the agreement, he came to know that Mr. Pravin Ranka has fraudulently and dishonestly executed agreement thereby marking the room no. 20 which is owned by the Petitioner, instead of room no. 28. The Petitioner's brother has brought to notice the abovementioned fact to Mr. Ranka and Naresh Jain. The Petitioner states that Mr. Ranka and Mr. Jain stated that the marking was done wrongly and they would correct the said fact. Unfortunatly her brother trusted them. 'The Petitioner states that as and when the

Petitioner and his brother asked Mr. Ranka and Mr. Jain for a copy of the corrected agreement, they avoided to give the same under one pretext or the other. The Petitioner states that at that time, she came to know that she and her brother have been fraudulently and dishonestly cheated by Mr. Ranka and Mr. Jain. The Petitioner states that Mr. Ranka and Mr. Jain thereby personating the Petitioner's brother to be the Petitioner, purchased room no. 20 and all documents were in the name of the Petitioner and the Petitioner was in possession of the Room no. 20. The Petitioner states that Mr. Ranka and Mr. Jain thereby making false document in order to cause injury to the Petitioner and annexed false document to agreement and registered the same. The petitioner states that thereafter also the Petitioner was in possession of the room no. 20."

6. This Court disposed of the writ petition by directing the said Neera Akre to avail alternate remedies under the Code of Criminal Procedure (for short "Cr.P.C.").

7. Learned senior advocate for the applicants submits that the said Neera Akre then filed a complaint case. It is submitted that in the said complaint case also similar averments were made. It is submitted that the process was issued against the present applicants in the said complaint case, however, it was quashed by the revisional Court. It is submitted that by suppressing all these facts the present FIR came to be lodged.

8. On the other hand, the learned APP and the learned counsel for the first informant submit that in high handed manner, the applicants have demolished the room owned by the first informant. It is submitted that considering the nature of crime, the

applicants may not be released on anticipatory bail.

9. It appears from the averments made in the writ petition that Neera Akre, during her life time, had never claimed to be the owner of room No.24. It thus appears that the first informant has lodged the present FIR with an oblique motive. The dispute, if any, appears to be of civil nature. I am therefore, inclined to release the applicants on anticipatory bail. In the result, the following order is passed.

ORDER

A) The Applications are allowed.

B) In the event of arrest of the applicants in C.R. No.1309 of 2025 registered at Santacruz Police Station for the offences punishable under Sections 318(4), 331(3), 335, 336, 338, 340, 305, 324(5), 3(5) of the Bharatiya Nyaya Sanhita, 2023, they be released on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one surety or two sureties in the like amount.

[N.R.BORKAR, J.]