

**Criminal Bail Appln. No.331/2026**

Shivam Sanjeev Patil

...Applicant/Accused.

Vs.

State

...Respondent.

**Appearance :-**

Ld. Advocate Mr. V. P. Patil for the applicant/accused.

Ld.APP Smt.Gore for the State.

**ORDER BELOW EXH.1**

This is an application under section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of Anticipatory bail.

Applicant is apprehending arrest in CR I-109/2026 registered with Indiranagar Police Station under section 3(5), 324(2), 331(3), 305(a) of Bhartiya Nyay Sanhita.

2. Perused the application, say of I.O. and informant. Heard, both sides. Informant is present along with her Advocate.

3. The informant Mona Jagdish Patil is 30 years old lady. She and the deceased father of applicant are related as brother and sister. Applicant is her nephew residing at Nashik. The informant resides in America and visits Nashik. The informant contends that, since year 2018 she is residing in America with her husband and family and goes to Nashik at intervals. She and her husband are serving in America. Informant had two sisters and one deceased brother. Applicant is the son of her deceased brother.

On 04.20.2026 when she was in America she got information from the watchman of the society at Nashik that, her house is broken by four persons. The CCTV cameras in her house at Nashik are broken. The lock

also broken. When she contacted the Chairman of the society she was told that, as the society is not registered, they cannot inform the police. The informant contacted her body-guard named Ali Shaikh on phone and when her body-guard went to the spot the applicant told him that, he is owner of the house. The applicant was having some files and bag in the hand which he had taken from the house of the informant. The applicant has broken the CCTV camera, security lock in the house. He has trespassed in her house and committed house breaking and took away important files and bag with him. The informant returned to Nashik from America on 23.02.2026 and lodged this complaint on 04.02.2026.

4. Ld. Advocate for the informant and Ld. APP submitted that, the Applicant has come with his four friends and committed house-breaking, theft. He broke the locks and CCTV cameras, he has committed theft of the files and bag. Ld. Advocate for the informant submits that, her gold jewelry was also in the said house is taken away. Ld. Advocate has submitted that the said house belongings to parents of informant which was given to her under Will. She is the owner. Her deceased brother is already having another house, was in Mumbai. She has two sisters.

5. Ld. Advocate for the applicant has submitted that, the complaint do not mention theft of any gold jewelry. It is submitted that, applicant is a nephew of informant. The father of applicant is dead. The flat is of the grand-parents of applicant in which applicant also has a share as heir. Informant also contends that, said house was of her deceased parents but claims ownership on basis of Will.

6. It is seen that, applicant and informant are not strangers. They both are claiming right, ownership in the house property left by the parents of informant. It is seen that name of the informant is not in the

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share certificate of the society. She is not even residing in India, therefore contention that she has left all her jewelry in the house which was kept locked, is not prima facie accepted. Her complaint do not mention theft of any gold ornaments. Her complaint mentions that there is damage to the CCTV camera and the lock. The worth and value of CCTV cameras can be ascertained as they are not valuables which worth cannot be counted in money.

It is seen that, they are claiming right to the house belonging to the deceased parents. In these circumstances, they have to obtain proper orders from the Civil Court about ownership and to protect their interest in the property. There is no necessity to arrest the applicant in such type of dispute. The investigation can proceed by giving attendance. Hence, it is fit to allow the application. Hence, the following order.

### ORDER

1. Anticipatory Bail Application is hereby allowed.
2. In the event of arrest, Applicant be released on bail on furnishing PR and SB of Rs.25,000/- in connection with the CR I-109/2026 registered with Indiranagar Police Station under section 3(5), 324(2), 331(3), 305(a) of Bhartiya Nyay Sanhita.
3. He will attend the police station on every Monday and Tuesday from 10.00 a.m. to 1.00 p.m. for four weeks and co-operate with investigation.
4. He will not tamper with the witness and evidence.
5. He will maintain the peace and order and not commit any offence.
5. Inform concerned police station.

Date: 10.03.2026.

( Smt. Priti Kumar Ghule )  
Addl. Sessions Judge-7, Nashik.