

MHCC050065892022



**IN THE COURT OF SESSIONS AT DINDOSHI,  
BORIVALI DIVISION, GOREGAON, MUMBAI.**

**ANTICIPATORY BAIL APPLICATION NO.1967 OF 2022**  
**IN**  
**C.R.NO.1318 OF 2022**

**AKASH SATYARAM YADAV,**  
Aged : 24 years, Occu.: Business,  
Residing at : Room no.1609/11,  
Hanuman Chawl, New Link Road,  
Near Barsati Retiwala, Anand nagar,  
VTC-Jogeshwari (W), Mumbai-400102. **...Applicant/accused.**

**V e r s u s**

**The State of Maharashtra**  
**(Oshiwara Police Station) **...Respondent.****

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Shri D.M. Mandhare, Advocate for the Applicant/accused.  
Shri Sachin Jadhav, A.P.P for the State.  
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**CORAM : A.Z.KHAN,**  
**Additional Sessions Judge,**  
**Borivali Division, Dindoshi, Mumbai.**  
**(C.R.NO.09)**  
**Dt.28<sup>th</sup> December, 2022.**

**O R D E R**

1. The present application is filed by the applicant/accused

for the Anticipatory Bail. Perused the application and say thereon vide Exh.3. Heard the learned advocate Shri D. M. Mandhare for the applicant/accused & the learned A.P.P Shri Sachin Jadhav for the State. I have gone through the case papers, say of the police and the documents. It is seen that the present applicant/accused alongwith the other accused alleged to have been committed the offences punishable u/s 307, 324, 323, 504 & 506 r/w 34 of The I.P.C in Crime No.1318 of 2022 wherein the offence is registered in Oshiwara Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant namely Imran Salim Sayyed Dt.01.09.2022 alongwith the statements of the witnesses and Medical Report and Video Recording etc clearly shows that the complainant has a Garment Shop and the other accused has a Idli Shop but there was disputed between other accused & the customer on 01.09.2022 at about 02.15 p.m at Sangam Chawl Mastan Collection, Opp Super Medical Road, Jogeshwari (West), Mumbai wherein the complainant tried to solve the dispute but the present applicant/accused lead with the other accused having with the hockey stick and knife etc and assaulted the complainant wherein he sustained injuries to his shoulder and fracture the hand whereby he taken to the hospital and treated and the police registered the offence and investigated the matter and recorded the statements of the witnesses.

3. Obviously the record and more particularly the video recording clearly shows that the present applicant/accused is involved

in the commission of the crime with the other accused who all assaulted the complainant by the knife and hockey stick etc in which he sustained grievous injuries to his shoulder and fracture injury to his hand whereby he was taken to the hospital where the knife which was inside the shoulder removed the doctor.

4. The offence is serious and there are several aspect involved in the present case whereby thorough interrogation is essential whereby the custodial interrogation of the present applicant/accused is indeed essential otherwise the right to interrogate the present applicant/accused by the investigation Officer would be taken away which would certainly affect the case of the prosecution & ultimately the case of the complainant on merit.

5. However, the facts of the case cited by the learned advocate for the applicant/accused bearing *Anticipatory Bail Application No.2166 of 2022 between Sachin Vasantrao Taware Vs The State of Maharashtra decided on 17.08.2022* and the facts of the case in hand are entirely different & thus the principles & ratio laid down by Their Hon'ble Lordships do not assist to the case of the applicant with due respect.

6. In such circumstances, I am of the view that this is not the fit case in which the applicant/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

**ORDER**

The application is hereby rejected.

**(A.Z.Khan)**

Additional Session Judge,  
Borivali Div, Dindoshi,  
Mumbai.

**Date :- 28.12.2022.**

Dictated on : **28.12.2022.**  
Transcribed on : **28.12.2022.**  
Checked and Signed on : **28.12.2022.**

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

**28.12.2022 at 04.05 P.M.**  
**UPLOAD DATE AND TIME**

**Ashok S. Sugdare**  
**NAME OF STENOGRAPHER**

Name of the Judge (With Court room no.)	<b>SHRI. A. Z. KHAN</b> <b>(C.R. NO.09)</b>
Date of Pronouncement of JUDGMENT/ ORDER	<b>28.12.2022</b>
JUDGMENT/ORDER signed by P.O. on	<b>28.12.2022</b>
JUDGMENT/ORDER uploaded on	<b>28.12.2022</b>