

MHCC050068072022



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

ANTICIPATORY BAIL APPLICATION NO.2040 OF 2022
IN
C.R.NO.1619 OF 2022

Mr. Abdul Razzak Sadiq Dakni,

Aged : 18 years, Occu.:Student,

Residing at :Room no.30, Church Galli,

Bhagat Singh Nagar No.2, Shastri Nagar,

Goregaon (West), Mumbai-400 104.

...Applicant/accused.

V e r s u s

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

...Respondent.

Shri Ayub Khan, Advocate for the Applicant/accused.
Shri Sachin Jadhav, A.P.P for the State.

**CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai.
(C.R.NO.09)
Dt.04th January, 2023.**

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 Ayub Khan 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, 452, 324, 143, 144, 147, 149, 151, 504 & 506 r/w 34 of The Indian Penal Code alongwith 4 & 25 of the Arms Act and 37(1)(a) 7 135 of the M.P Act in C.R No.1619 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 Shaheed Salim Qureshi Dt.20.12.2022 along with the statements of the witnesses and the documents filed by the parties on record etc clearly shows that the complainant and his brother has construction business by name Z. S. Build Com company and they are constructing the tower at Beharam Baug, Jogeshwari (West), Mumbai but the present applicant/accused alongwith the other accused came on spot of the incident on 19.12.2022 at about 03.30 p.m and started to assault the complainant and others by the knife and Koyta etc wherein the complainant and others sustained injuries whereby the complainant lodged the report in which the police investigated the matter and recorded the statements of the witnesses.

3. Obviously, the report, statements of the witnesses and the documents filed by the parties on record and more particularly CCTV footages clearly shows that the present applicant/accused was involved

in the commission of the crime having with the deadly weapon. No doubt, the offence is serious and thorough interrogation is indeed essential and the weapon which are used by the present applicant/accused is yet to be recovered whereby the 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.

4. 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 :- 04.01.2023.

Dictated on	: 04.01.2023.
Transcribed on	: 04.01.2023.
Checked and Signed on	: 04.01.2023.

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

04.01.2023 at 05.40 P.M.
UPLOAD DATE AND TIME

Ashok S. Sugdare
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.09)
Date of Pronouncement of JUDGMENT/ ORDER	04.01.2023
JUDGMENT/ORDER signed by P.O. on	04.01.2023
JUDGMENT/ORDER uploaded on	04.01.2023