

MHCC020175352022



**IN THE COURT OF SESSIONS FOR GREATER BOMBAY  
AT MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO. 2864 OF 2022  
( CNR NO.:MHCC02-017535-2022 )**

**Abhishek Singh**

Age:- 24 years, Occ.:- Service.

Address: - C/o Sanjay Kishan Murari Singh  
Matunga Sindhi Colony, T 70, Room No. 37,  
Shastri Lane, Near Sion Hospital, Sion (W),  
Mumbai No. - 400 022.

**...Applicant/Accused**

**V/s.**

**The State of Maharashtra,**

(At the instance of Antop Hill  
Police Station vide C.R.No.363/2022)

**...Respondent/State.**

**Appearance:-**

Ld. Advocate Manoj Tiwari, for the applicant/Accused.

Ld. Addl. P.P. Seema Deshpande, for the State/respondent.

**CORAM : H.H. THE ADDL. SESSIONS JUDGE  
ANAND PANDURANG KANADE (C.R.60)**

**DATE : 03.01.2023.**

**ORDER**

1. Vide present application under Section 438 of Code of Criminal Procedure, the applicant requested to release him on anticipatory bail in Crime No. 363 of 2022 registered at Antop Hill Police Station for offences punishable under Sections 307, 326, 323, 504, 506 (2), 120 - (B) r/w. 34 of the Indian Penal Code.

2. **Prosecution story in brief is as under:-**

The complainant, Vijay Muniappa Shetiyar is resident of Room No. 194, Flak Road, Mariamma Mandir, Pipe Line, Sardar Nagar, Sion Koliwada, Mumbai. Tyagraj Rajendra Devendra is cousin brother of the complainant. On 23.12.2022 at about 12:30 a.m., the complainant and Tyagraj had been to Dharavi on their motorcycle. At about 02:00 a.m., they were returning back to Sion. They reached near Sion-Koliwada Bridge. At that time, someone shouted from behind. So, they stopped their motorcycle. At that time, accused Shiddesh Bhosale, applicant/accused and Jassi came near the complainant. It is case of prosecution that accused Shiddesh Bhosale is habitual offender. He created terror in the area and collected money from the people. Because of fear, no one filed police complaint against him. It is further alleged that accused Jassi and applicant/accused insisted Tyagraj to drink liquor but, he refused the same. At that time, all the accused started abusing and assaulting to Tyagraj. Thereafter, accused Shiddesh Bhosale gave punch on the chest of Tyagraj. The complainant tried to save Tyagraj from the clutches of all the accused. But all the accused pushed the complainant and threatened him of dire consequences. Tyagraj tried to save himself and started shouting for help. At that time, the applicant/accused and co-accused Jassi caught hold of Tyagraj. At the same time, accused Shiddesh Bhosale took out knife from his pocket and stabbed to Tyagraj. Crowd was gathered at spot and tried to save Tyagraj but accused Shiddesh showed the knife to the crowd and threatened them. Thereafter, all the accused left the spot. The injured Tyagraj was taken to Sion Hospital. Thereafter, complainant lodged report against all the accused. On that basis, Crime No. 363 of 2022 has been registered against the accused.

3. The applicant/accused has apprehension of his arrest in the said crime. Hence, he has filed the present application for pre-arrest bail. He raised grounds that he has been falsely implicated in the present case. There is nothing to be recovered at his instance. There is no specific role mentioned in the F.I.R. The role assigned to the applicant/accused in the F.I.R. is that he has caught hold of the hand of the injured. There was no any enmity with the injured. The applicant/accused is ready and willing to co-operate the investigation agency. He is permanent resident of Mumbai and not likely to abscond or tamper the prosecution evidence. Hence, it is prayed to allow the application.

4. The Ld. Addl. P. P. and Investigating Officer filed their say at Exh – 2 and resisted the bail application. It is submitted that investigation of the present crime is going on. The statement of eye-witness is yet to be recorded. If the applicant/accused is enlarged on bail, there is possibility of repetition of crime and tampering of prosecution evidence. The co-accused are habitual offenders. Hence, it is prayed to reject the bail application.

5. Heard both the sides. Perused papers on record. From the F. I. R. and the statement of injured Tyagraj, it reveals that when the co-accused Shiddesh Bhosale stabbed the injured, present applicant/accused caught hold the hand of Tyagraj. It shows prima-facie active involvement of the applicant/accused in the present crime. The offence is serious one and thorough investigation is required and for thorough investigation, custodial interrogation of applicant/accused is needed. Since the commission of crime, the applicant/accused is absconding. Considering the nature of offence, role attributed to the

applicant/accused, serious nature of crime and on-going investigation, I am of view that application is without merit. Hence, following order.

**:ORDER:**

Anticipatory Bail Application No. 2864 of 2022 is rejected.



**(Anand P. Kanade)**  
**Addl. Sessions Judge**  
**Sessions Court,**  
**Mumbai. C.R. 60**

Dictated on : 03.01.2023  
Transcribed on : 03.01.2023  
Date of sign : 04.01.2023

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

**04/01/2023 , 01.35 p.m.  
UPLOAD DATE AND TIME**

**Mr. Prasad S. Pednekar  
NAME OF STENOGRAPHER**

<b>Name of the Judge (with Court Room No.)</b>	<b>HHJ Anand P. Kanade,(C.R.No.60) Addl. Sessions Judge.,City Civil &amp; Sessions Court, Mumbai</b>
Date of pronouncement of /Order	03.01.2023
Order signed by P.O. on	04.01.2023
Order uploaded on	04.01.2023