



IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.1989 OF 2022  
(CNR NO.MHCC05-006654-2022)

IN

C.R. NO.833/2022  
(POLICE STATION, BANGUR NAGAR)

1. **Afzal Dawood Khan** )  
Age 75 years, Occ: Retired )
2. **Smt. Sayeeda Afzal Khan** )  
Age 70 years, Occ: Housewife )  
Both are residing at 401/9/C, Nisarg CHS )  
Ltd., New Mhada Complex, Goregaon East, )  
Mumbai -400063. )
3. **Mrs. Kudsiya Sajid Shaikh** )  
Age 44 years, Occ: Teacher )  
Residing at 311, Sai Siddhi Apartment, )  
Riddhi Garden, Goregaon East, )  
Mumbai – 400 063. ) ..Applicant(s)

**Versus**

**The State of Maharashtra** )  
(at the instance of Senior Inspector of Police, )  
Bangur Nagar Police Station, Goregaon West, )  
Mumbai. ) ..Respondent

Adv. Mr. B.L. Jagtap for the applicants.  
APP Mr. Shailesh Pachapohar for the State.  
Adv. Mr. J.P. Jaiswal for the intervener/informant.  
Informant present.

**Coram : His Honour Addl. Sessions Judge,  
Ashish Ayachit  
(C.R.No.8)**

**Date : 20<sup>th</sup> December, 2022.**

**ORDER**

This is anticipatory bail application filed by accused Nos.2,3 and 4 who are parents-in-law and sister-in-law of the informant in Crime No.833/2022 registered with Bangur Nagar Police Station for the offence punishable under Sections 498(A), 377, 323, 504 and 506 r/w Section 34 of I.P.C.

2. Perused the application and say of Investigation Officer.

3. Heard Adv. Mr. B.L. Jagtap for the applicants, APP Mr. Shailesh Pachaphar for the prosecution and Adv. Mr. J.P. Jaiswal for the intervener/informant.

4. This court has granted ad-interim protection to the applicant by order dated 15.12.2022 and issued notice to the informant. Today, informant appeared through Adv. Mr. J.P. Jaiswal. He filed written objection, which is taken on record.

5. I have heard Adv. Mr. Jagtap for the applicants, APP Mr. Shailesh Pachapohar for the State and Adv. MR J.P. Jaiswal for the intervenor.

6. I have suggested the parties for mediation but as the offence under section 377 of I.P.C. is registered against applicant No.1, who is arrested by the police, there is no possibility of mediation. Hence, the matter has been taken for final decision.

7. I have carefully gone through the FIR and the report lodged. Considering the nature of offence and the fact that domestic dispute between the husband and wife is going on and keeping in mind the law laid down by the Hon'ble Apex Court in the case of *Arnesh Kumar Vs. State of Bihar & Anr. (2014) 8 SCC 273*, I am of the considered

opinion that it is necessary to grant anticipatory bail to the applicants in the event of their arrest. I, therefore, pass the following order:-

**ORDER**

1. Anticipatory Bail Application No.1989/2022 is allowed.
2. Applicant No.1-Afzal Dawood Khan, applicant No.2-Sayeeda Afzal Khan and applicant No.3-Mrs. Kudsiya Sajid Shaikh be released on anticipatory bail on executing personal bond in the sum of Rs. 15,000/- (Fifteen Thousand Rupees Only) each with one or two sureties in the like amount, in the event of their arrest in Crime No.833/2022 registered with Bangur Nagar Police Station, for the offence punishable under Section 498(A), 377, 323, 504 and 506 r/w Section 34 of I.P.C., on the following conditions:
  - (i) They shall attend police station for investigation, whenever called by the Investigation Officer by issuing written notice.
  - (ii) They shall not tamper the prosecution evidence.
  - (iii) They shall not visit the informant or use any type of practise to pressurise her.
  - (iv) The Investigation Officer is directed to acknowledge presence of the applicant.
3. Inform the concerned Police Station, accordingly.
4. Anticipatory Bail Application No.1989/2022 stands disposed off, accordingly.

Date: 20.12.2022

(Ashish Ayachit)

Additional Sessions Judge,  
City Civil & Sessions Court,  
Borivali Division, Dindoshi

Dictated by HHJ on

: 20.12.2022

Transcribed on

: 20.12.2022

Signed by HHJ on

: 22.12.2022

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

UPLOAD DATE

AND TIME : 22.12.2022 5.40 P.M.

ATUL SURYAKANT BHOGTE

NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri Ashish Ayachit (Court Room No.8)
Date of Pronouncement of Judgment/Order	20.12.2022
Judgment/Order signed by P.O. on	22.12.2022
Judgment/Order uploaded on	22.12.2022