

MHCC050065582022



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

ANTICIPATORY BAIL APPLICATION NO.1959 OF 2022

IN

C.R.NO.839 OF 2022

Asha Surendra Mavlankar
Aged about 66 years,
Occ. Housewife,
Residing at :- Room No.1595,
Municipal Colony,
Malwani Gate No.06, Kharodi,
Malad (W), Mumbai – 400 095

...Applicant

V/s.

The State of Maharashtra
(At the instance of Malvani Police Station, Mumbai)

.....Respondent

Adv. Arvind Yadav for applicant.
APP. Sachin Jadhav for State/respondent.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.
Court Room No.15.
Date : 23rd December, 2022**

ORAL ORDER

The applicant–accused has filed this application under Section 438 of the Code of Criminal Procedure for grant of bail in anticipation of arrest in Crime No.839/22 registered with Malwani Police Station for the offences punishable under Section 452, 323, 504, 34 of the Indian Penal Code.

2. Applicant contended that she is apprehending arrest in connection with the aforesaid crime at the instance of the informant alleging that on 24.06.2022 at about 1.00 a.m. applicant after having made preparation committed house trespass by entering into the house of informant and started abusing her and her family members. According to the applicant, she has not committed the offence as alleged and she is innocent. She contended that her custodial interrogation is unwarranted. She is ready to co-operate with the investigating machinery if her presence is required for the purpose of the investigation. She contended that she is permanent resident of Malwani, Mumbai, so there is no possibility of jumping over the bail. She undertakes to abide by the terms and conditions to be imposed by the Court. She, therefore, prayed that she be enlarged on bail.

3. Prosecution opposed the bail application by filing say. It is contended by the prosecution that the investigation is on. If the applicant is enlarged on bail, she may threaten the prosecution witnesses. Prosecution, therefore, prayed that bail application be rejected.

4. I have heard both the sides. Perused the bail application, say filed by the prosecution and FIR. Allegations against the applicant is that on the aforesaid date, she entered into the house of the informant and abused her. Considering the allegations it would be appropriate to grant bail to the applicant. It appears that nothing is to be recovered. Custodial interrogation is unwarranted. No purpose is likely to be served by keeping the accused behind the bar. Hence, the following order.

ORDER

1. Application for Anticipatory Bail No.1959 of 2022 is allowed.
2. The Malwani Police Station is directed that applicant Asha Surendra Mavlankar in C.R.No.837/2022 registered with Malwani Police Station in the event of her arrest, she be released on bail on furnishing P.B. and S.B. in sum of Rs.15,000/-(Rupees Fifteen Thousand Only) subject to following conditions :-
 - (a) The applicant shall attend the concerned police station as and when called by the I. O. under written intimation.
 - (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any other persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court to any other officer.
3. Breach of any of the conditions shall entail cancellation of bail.
4. Inform to the concerned Police Station, accordingly.
5. Accordingly, Anticipatory Bail Application No.1959 of 2022 stands disposed of.

Dt.23/12/2022

(S. N. SALVE)
Addl. Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi, Mumbai

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

UPLOAD DATE 26.12.2022
AND TIME : 11.35 a.m.

Mrs. T. S. Bhogte
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri S. N. Salve (Court Room No.15)
Date of Pronouncement of Judgment/Order	23.12.2022
Judgment/Order signed by P.O. on	26.12.2022
Judgment/Order uploaded on	26.12.2022