

ABA 1912/2022 & ABA 1918/2022

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COMMON ORDER

MHCC050063732022



**IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 1912 OF 2022  
C. R. No. 1161 of 2022  
(CNR NO.MHCC05-006373-2022)**

**Chhotelal Kantaprasad Yadav**

**@ Chhotu Kantilal Yadav**

Age – 27 years, Occ : Tempo Driver,

Hindu, Adult, Indian Inhabitant of Mumbai,

Residing at : Room No. 58, Mahadev Yadav Chawl,

Aliyawar Jang Road, Ketkipada, Dahisar (E),

Mumbai – 400 068.

**...Applicant/Accused**

V/s.

**The State of Maharashtra**

(Through Dahisar Police Station, Mumbai

C.R.No. 1161/2022)

**....Respondent**

Ld. Advocate Mr. Shriniwas Kumaran for the Applicant/Accused.

Ld. APP Mr. R. C. Savle for The State.

ABA 1912/2022 & ABA 1918/2022

::2:: COMMON ORDER

MHCC050063972022



**IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 1918 OF 2022  
C. R. No. 1161 of 2022  
(CNR NO.MHCC05-006397-2022)**

**Shivshankar Jagwanta Yadav**

Age – 32 years, Occ : Casual Labour,  
Hindu, Adult, Indian Inhabitant of Mumbai,  
Residing at : Room No. D-05, Laxmi Nagar,  
S. P. Road, Dharkhadi, Dahisar (E),  
Mumbai – 400 068.

**...Applicant/Accused**

**V/s.**

**The State of Maharashtra**

(Through Dahisar Police Station, Mumbai  
C.R.No. 1161/2022)

**....Respondent**

Ld. Advocate Mr. Shriniwas Kumaran for the Applicant/Accused.

Ld. APP Mr. R. C. Savle for The State.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE  
SHRI. SHRIKANT Y. BHOSALE  
(C.R.NO.13)**

**DATE : 5<sup>TH</sup> DECEMBER, 2022**

**COMMON ORDER**

In anticipation of arrest in C. R. No. 1161/2022 registered with Dahisar Police Station for the offences punishable under sections 452, 326, 324, 323, 504, 506(ii) r/w 34 of IPC and r/w sec. 37(1) and 135 of Mumbai Police Act, the applicants in both the applications have

made these separate applications for pre-arrest bail.

2.            Prosecution vide say Exh. 2 in both the applications, resisted the request of pre-arrest bail.

3.            Heard Ld. Advocate Mr. Shrinivas Kumaran for the applicant and Ld. APP Mr. R. C. Savle for The State.

4.            As per the the first information, the applicants forcibly entered in the house of the informant by breaking the door and assaulted them with bamboo. When the people in the vicinity came to rescue the quarrel, the applicants ran away. However, when the informant was proceeding towards police station to lodge the complaint, the accused assaulted one Mahendra Chitte who had come to rescue the informant and his family. Said Mahendra was assaulted by bamboo and sharp edged unknown weapon. As per the investigation papers, said Mahendra had sustained grievous hurt.

5.            According to Ld. Advocate for the applicant in fact the applicants were assaulted and the false case is lodged against them. It is submitted that the applicants are not involved in any incidence. The custody of the applicants is not necessary for the purpose of investigation, the applicants are ready to obey any condition and considering that there is no criminal history, the pre arrest bail be granted.

6.            As against this, Ld. APP submits that the allegation of assault by entering in the house is necessary to be viewed seriously. One of the injured has sustained grievous hurt, the weapon allegedly used in the crime needs to be recovered. If the pre arrest bail is granted, no witness will come to depose against the applicants. Thus, for the

purpose of better investigation, the custodial interrogation is necessary. The application therefore be rejected.

7.            Though the applicant is arguing that the incidence had occurred in different manner and that one of the witness shown by the prosecution was in fact assaulted by the informant etc, the Court is of the view that said story can not be considered at this juncture and the Court has to go alongwith the contents in the first information. As mentioned in foregoing para, the first information is clearly showing the involvement of the present applicants in the alleged crime. Some sharp edged weapon was used and the assault was made on the head, which has caused grievous hurt. Furthermore, it is seen that the assault was made by breaking the door of the house and after entering into the house of the informant, shows that the allegations are of serious nature. The provision of anticipatory bail is mainly made to protect the innocent person from the arrest. In the present case *prima facie* involvement of the applicant is established and therefore, at this juncture they can not be treated as innocent. If in any such serious matter when *prima facie* involvement of the applicant is established, no anticipatory bail can be granted. It is also pertinent to note that weapons needs to be recovered and for that custodial interrogation is necessary. Thus, the application needs to be rejected. Hence, the order.

**COMMON ORDER**

- 1. Both Anticipatory Bail Application Nos. 1912 of 2022 and 1918 of 2022 stand rejected and disposed of.**
- 2. Original order be kept in ABA No. 1912 of 2022 and its copy be kept in ABA No. 1918 of 2022.**

**ABA 1912/2022 & ABA 1918/2022            ::5::    COMMON ORDER**

**(Dictated and Pronounced in presence of Ld. Advocate for Applicant  
and Ld. APP).**

**Date: 05.12.2022**

**(Shrikant Y. Bhosale)**  
The Addl. Sessions Judge  
City Civil & Sessions Court,  
Borivali Division, Dindoshi.

Dictated on	: 05.12.2022
Transcribed on	: 05.12.2022
Checked & corrected on	: 07.12.2022
Signed on	: 07.12.2022
Sent to Dept. on	:

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

Date : 07/12/2022

Time : 12.33 P.M.

UPLOAD DATE AND TIME

Ms. Tejal C. Rane

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

**HHJ S. Y. BHOSALE  
(Court Room No.13)**

Date of Pronouncement of  
JUDGMENT/ORDER

05.12.2022

JUDGMENT/ORDER signed by P.O. on

07.12.2022

JUDGMENT/ORDER uploaded on

07.12.2022