

**IN THE COURT OF SESSIONS FOR GREATER BOMBAY  
(Presiding over by K. P. Shrikhande)**

**ANTICIPATORY BAIL APPLICATION No.2862 OF 2022**

**Applicant :** **Mrs. Kahkashan Azeem Mujjawar**  
Age :- 35 Years, Occ: Service,  
Residing at Bhagwan Niwas Building,  
18<sup>th</sup> Road, Khar (West)  
Mumbai- 400 052.

**- Versus -**

**Respondent:** **STATE OF MAHARASHTRA**  
vide its C.R. No.1414 of 2022 registered at  
Khar police station, Mumbai.

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Shri Chetan Mule, advocate for the applicant.

Shri Ajit Chavan, APP for respondent/State.  
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**ORAL ORDER**  
**(Dated 6<sup>th</sup> January, 2023)**

This is an application moved by applicant Kahkashan Azeem Mujjawar under Section 438 of Cr. P.C. for grant of anticipatory bail. According to her, Khar police station, Mumbai has registered crime vide F.I.R. No.1414 of 2022 for offence punishable under sections 326, 324, 504 and 506 r/w 34 of the I.P.C. According to her, the police are in search of her arrest in the crime, and the offence being non-bailable and cognizable, she has an apprehension of her arrest.

2. The learned counsel for the applicant submits that the report lodged by Vikrant Vishwanath Pednekar is against unknown persons. The name of the applicant is not appearing in the F.I.R. Though the F.I.R. reflects involvement on one lady, the said lady

has not played any active role to assault the complainant and the role assigned to said lady is only in respect of abusing, and as such he has prayed for anticipatory bail.

3. The prosecution has filed reply at Exh.2 and strongly resisted the application and prayed for rejection. On perusal of the application, reply and hearing both parties, it is appearing that the applicant has also lodged the report against the complainant, and on the basis of the said report, the crime is registered against the complainant and two others for the offence punishable under sections 354, 324, 323, 504 and 509 of the IPC arising out of the same incident even before lodging a report by complainant.

4. It is apparent that the complainant though lodged the report against unknown persons, one out of those three unknown persons has reference to the present applicant. So, it is apparent that there are cross-reports. Entire contents of the F.I.R. does not suggest that the applicant has played any role in assaulting the complainant. The role assigned to the applicant in the crime is very limited, and the said role is in respect of abusing the complainant and her brother. It is appearing that the applicant is involved in the crime for the non-bailable offence with the help of section 34 of the IPC. Therefore, having regard to the role allegedly played by the applicant, and having regard to the way of occurrence of the incident, I am of the view that the applicant has made out the case for the cover of protection from the arrest by the police, and such she can be held entitled to the anticipatory bail. In the result, I proceed to pass the following order:-

### **O R D E R**

1. The Anticipatory bail application No.2862 of 2022 is allowed.

2. In the event of arrest of the applicant-accused Kahkashan Azeem Mujjawar in the crime No.1414 of 2022 registered at Khar police station, Mumbai for the offence punishable under sections 326, 324, 504 and 506 r/w 34 of the I.P.C, she shall be released on bail on executing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in like amount subject to the following conditions:

i] She shall not induce or influence or pressurize or threaten to any of the prosecution witnesses to dissuade them from assisting in the investigation, or from attending or deposing before the court,

ii] She shall assist the investigating officer in the investigation of the crime and shall attend the Khar police station as and when called by the investigating officer on receiving due intimation.

iii] She shall hand over her mobile, if ask by the investigating officer, for the purpose of investigation.

iv] She shall submit her active mobile number and the residential address and the proof of it to the investigating officer.

3. The Anticipatory bail application No.2862 of 2022 stands disposed off.



**Date.06.01.2023**

Date of Dictation : 06.01.2023

Date of typing : 07.01.2023

Date of signature : 07.01.2023

**(K. P. Shrikhande)**  
**Additional Sessions Judge**  
**Gr. Mumbai, C.R.10**

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

07.01.2023 at 04.00 p.m.  
**UPLOAD DATE AND TIME**

**(Mr. S. V. AMBEKAR)**  
**NAME OF STENOGRAPHER**

<b>Name of the Judge</b>	<b>HHJ SHRI K. P. SHRIKHANDE (COURT ROOM NO.10)</b>
<b>Date of pronouncement of judgment/order</b>	<b>06.01.2023</b>
<b>Judgment/order signed by P.O. on</b>	<b>07.01.2023</b>
<b>Judgment/order uploaded on</b>	<b>07.01.2023</b>