

ABA 1940/2022

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ORDER

MHCC050064892022



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 1940 OF 2022
(CNR NO.MHCC05-006489-2022)**

Kedar Sulochan Raut

Age – 42 years, Occ : Service,

Residing at : 5, B-wing, Narmada Society,

Jay Raj Nagar, Borivali (West), Mumbai – 400 092.

Also having old house at Room No. 02,

Virdi Compound, Kataria Marg, Behind Status Hotel,

Mahim, Mumbai – 400 016.

...Applicant/Accused

V/s.

The State of Maharashtra

(Through Dahisar Police Station, Mumbai)

....Respondent

Ld. Advocate Mr. I. A. Shaikh for the Applicant/Accused.

Ld. APP Mr. Imran Shaikh for The State.

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

DATE : 12TH JANUARY, 2023

ORDER

The applicant is anticipating that his one female employee may lodge the complaint to Dahisar police alleging that the applicant has committed rape or that he has outraged her modesty with a view to blackmail the applicant. The applicant therefore praying for pre-arrest bail in case such complaint is lodged with Dahisar police.

2. Prosecution vide say Exh. 2 submit that the police have not received any complaint from the said female employee nor the police have registered any crime against the applicant.

3. Heard Ld. Adv Mr. I. A. Shaikh for the applicant and Ld. APP Mr. Imran Shaikh for the State.

4. According to the applicant his ex-employee by name 'PAN' has threatened him that she will lodge such complaint. According to him if there is an apprehension then provision of pre-arrest bail can be invoked. As against this, Ld. APP submit that the contents in the application are hypothetical and the applicant is claiming blanket order of protection. He further submits that in light of recent view of The Hon'ble Supreme Court in case between *Vijaykumar Ramchandani V/s. Amar Mulchandani* has held that practice of directing the police to issue notice of 72 or 48 hours before arrest, needs to be deprecated. He further submit that mere apprehension is not sufficient, but there should be genuine apprehension of arrest and the application if considered as it is, no confidence is inspired about the genuine apprehension.

5. After going through the material on record, it is clear that the so called ex-employee has not filed any complaint to the police. The alleged incidences are pre 16.08.2022. If said time span is considered, I agree with the argument of Ld. APP that the apprehension is not genuine and therefore, application needs to be rejected. Hence, the order.

ORDER

Anticipatory Bail Application No. 1940 of 2022 stands rejected and

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ORDER

disposed of.

(Dictated and pronounced in presence of Ld. Advocate for Applicant & Ld. APP)

Date: 12.01.2023

(Shrikant Y. Bhosale)

The Addl. Sessions Judge
City Civil & Sessions Court,
Borivali Division, Dindoshi.

Dictated on	:	12.01.2023
Transcribed on	:	12.01.2023
Checked & corrected on	:	16.01.2023
Signed on	:	16.01.2023
Sent to Dept. on	:	

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ORDER

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

Date : 17/01/2023

Time : 11.46 A.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

12.01.2023

JUDGMENT/ORDER signed by P.O. on

16.01.2023

JUDGMENT/ORDER uploaded on

17.01.2023