



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.1929 OF 2022**

Mr. Machindranath Sabaji Patade,]
Age 38 years, Occ : Business,]
having address at Flat No. D/1501,]
15th Floor, Shivneri CHS Ltd.,]
Samta Nagar, Kandivali,]
Mumbai 400 101.] ...Applicant

Versus

State of Maharashtra,]
(Through Malad Police Station)] ...Respondent

Ld. Adv. Amrendra Jha for applicant.
Ld.APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,
Additional Sessions Judge,
Court Room No.10.**

Date : 5th December, 2022

ORAL ORDER

1. This is an application filed by the applicant for Anticipatory Bail under Section 438 of Cr. P.C. 1973.

Brief facts of the application are as under :

2. It is submitted by applicant that he is having business of mining and mineral and have good reputation in the market and society. He is residing at Sindhudurg, Maharashtra. He was in need of money, therefore, he took friendly loan of Rs.18,00,000/- from Diksha Jadhav through Shailesh Sadanand Acholkar for the business purpose. The said amount given by the applicant in seven parts from 17.09.2020 to 20.11.2022. After payment, Shailesh Acholkar entered in an agreement dated 03.08.2021 at Sindhudurg in favour of the applicant regarding the loan paid from the account of Mrs. Diksha Jadhav. The Bank statement and online bank transaction receipts annexed with application at Ex.B. Applicant suffering from loss in business, therefore, he failed to pay the interest on loan amount. On that count, complaint filed by the complainant on 01.11.2022. Therefore, applicant has an apprehension about his arrest. Hence, filed this application.

3. The Ld. Advocate for applicant submitted that applicant is innocent and tried to implicate him falsely. He is ready to abide any condition imposed upon him. Lastly prayed for allow the application.

4. On the other hand, report submitted Malad Police Station through Ld. APP at Ex.2. Ld. APP submitted that till date no complaint or FIR registered at Malad Police Station against the applicant. Therefore, application may kindly be rejected.

5. On perusal of said report, it appears that till date crime is not registered against the applicant. The applicant has an apprehension regarding his arrest at the hands of Malad Police Station in non bailable offence. Considering his apprehension regarding his arrest at the hands

of Malad Police Station, it would be appropriate to issue directions to the respondent/State that they shall give at least 72 hours notice to the applicant before taking any coercive steps in non bailable offence. Hence, following order.

ORDER

1. In the event of any crime being registered for non bailable offence on the report of complainant, namely, Shailesh Acholkar , the respondent shall give at least 72 hours notice to the applicant before taking any coercive steps.
2. Inform to Malad Police Station.
3. Anticipatory Bail Application No.1929/2022 stands disposed of.

Dt. 05.12.2022

(M.I. LOKWANI)
Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Directly type on PC on : 05.12.2022

Checked & Signed by HHJ on : 05.12.2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 06.12.2022 AT 04.50 p.m. NAME OF STENOGRAPHER PRASAD S. TARE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	05/12/2022
JUDGEMENT/ORDER signed by P.O. on	05/12/2022
JUDGEMENT/ORDER uploaded on	06/12/2022