

ABA 1880/2022

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ORDER

MHCC050062572022



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 1880 OF 2022
(C. R. NO. 1020 OF 2022)
(CNR NO.MHCC05-006257-2022)**

Mahesh Damodar Mundra

Age – 43 years, Occ : Business,

Residing at : Flat No. 1002, Valentine Tower,

Behind Riddhi Garden, Pimparipada,

Malad (East), Mumbai – 400 097. ... **Applicant/Accused**

V/s.

The State of Maharashtra

(Through Kurar Police Station, Mumbai) ...**Respondent**

Ld. Advocate Mr. Kshitish Shukla for the Applicant/Accused.

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

Ld Advocate Mr. Dhananjay Shukla for the intervener.

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

DATE : 15TH DECEMBER, 2022

ORDER

In anticipation of arrest in C.R.No. 1020/2022 registered with Kurar Police station U/s. 451, 34 of IPC , and by way of this application applicant is requesting for pre-arrest bail.

2. Prosecution vide say Exh. 2 and intervener by his application Exh. 3 registered the application.

3. Heard Ld Advocate Mr. Kshitish Shukla for the applicant, Ld APP Mr. R. C. Salve for prosecution and Ld Advocate Mr. Dhananjay Shukla for the intervener.

4. Before commencing the argument Ld. APP pointed out that section 451 of The IPC is bailable unless there is allegation of theft by house trace-pass. He therefore, requested to ask the applicant to satisfy how the application is maintainable.

5. Ld. Adv. for the applicant then submit that section 451 has two part, if house trace-pass is coupled with theft, then the offence is cognizable and non-bailable. However, if the prosecution has cleared that the allegation against the present applicant is not of theft coupled with tress-pass, then he requests to dispose of application by quoting the argument of the prosecution.

6. If the prosecution has cleared that the allegation against the present applicant is not of house tress-pass, coupled with theft, the alleged offence under section 451 is punishable up to two years and is bailable, therefore, the present application under section 438 for anticipatory bail is not maintainable. Hence, the order.

ORDER

Anticipatory Bail Application No. 1880 of 2022 stands disposed of as not maintainable.

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

Date: 15.12.2022

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

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ORDER

Dictated on : 15.12.2022
Transcribed on : 15.12.2022
Checked & corrected on : 16.12.2022
Signed on : 16.12.2022
Sent to Dept. on :

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ORDER

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

Date : 17/12/2022

Time : 3.20 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

15.12.2022

JUDGMENT/ORDER signed by P.O. on

16.12.2022

JUDGMENT/ORDER uploaded on

17.12.2022