

MHCC050062802022



**ANTICIPATORY BAIL APPLICATION NO. 1886 OF 2022**

**Mr. Mainuddin Abbas Ali Shaikh**

Age: 77 years, Occ.: ,  
Indian Inhabitant,  
R/at:- Room no. B-1, Abdul Rashid Compound,  
Khairani Road, Sakinaka S.O.,  
Mumbai-400072.

**...Applicant**

V/s

**The State of Maharashtra**

(At the instance of Sakinaka Police Station,  
Mumbai in CR No. 2219/2022)

**...Respondent**

Shri Shaikh, Advocate for applicant.  
Shri Ambekar, Addl. PP for the State/respondents.

Coram: His Honour Additional Sessions Judge,  
Shridhar M. Bhosale  
(C.R.No.1)

Date : 28<sup>th</sup> November, 2022.

**ORDER**

1. This is an application under Section 438 of Code of Criminal Procedure (hereinafter referred as "Cr.P.C.") for anticipatory bail on apprehension of arrest in connection with C.R. No. 2219 of 2022 registered at Police Station, Sakinaka for the offences under Sections 323, 324, 379, 504, 427 r/w 34 of Indian Penal Code (hereinafter referred as 'IPC').

2. In short, on 13/12/2022 at 3.30 p.m. at Khairani Road, Sakinaka, Mumbai there was obstruction by two people for their access due to sand on line on the road hence, a informant who is journalist taken the photographs. Therefore, accused no. 2 Hamja Shaikh and his father Mainuddin Shaikh, applicant in collusion abused to him and Hamja Shaikh asked to delete the photograph and thereafter, caught hold on his both hands. The applicant hit the informant on the head, shoulder and back with a stick. Moreover, accused no. 1 also abused gave blow on his face and cause loss to the specs. It is contended that during the quarrel the accused no. 1 has committed the theft of gold ring. On this ground report was lodged by the informant.

3. Prosecution filed the say and resisted the application. Heard Learned advocate Shri Shaikh for the applicant-accused and Learned Additional PP Shri. Ambekar for the State. Perused the investigation papers.

4. On consideration of the submission of adv for the applicant-accused and prosecution it could be gathered that accused no. 1 who was arrested by an order of Learned Metropolitan Magistrate released on bail. The prosecution resisted the present application mainly on ground that yet recovery of gold ring is to be made. However, from the FIR it could be seen that it is allegation against the accused no. 1 who has committed the theft. Further Learned advocate for the applicant-accused submitted that applicant is 77 years old and cannot walk without support of any person, therefore, the allegations highly improper as he was not present on the

spot. Considering material and the nature of allegations with the role attributed to the applicant-accused with the fact that he is 77 years old, there is no necessity of custodial interrogation. Hence, I pass the following order :

**ORDER**

1. Anticipatory Bail Application No. 1886 of 2022 is hereby allowed.
2. In the event of arrest, applicant-accused Mr. Mainuddin Abbas Ali Shaikh in connection with C.R.No. 2219 of 2022 registered at Police Station, Sakinaka for the offences under Sections 323, 324, 379, 504, 427 r/w 34 of Indian Penal Code, he be released on executing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only), and the like amount with one surety.
3. Applicant-accused Mr. Mainuddin Abbas Ali Shaikh, shall report to the police station, Sakinaka on 29.11.2022 in between 10.00 a.m. to 12.00 noon and shall co-operate to the investigating officer as and when required for the purpose of investigation.
4. Applicant-accused Mr. Mainuddin Abbas Ali Shaikh, shall not tamper the evidence
5. Anticipatory Bail Application No. 1886 of 2022 stands disposed off accordingly.

28.11.2022

(Sridhar M. Bhosale)  
Addl. Sessions Judge  
Sessions Court,  
Dindoshi, Mumbai.

Date of dictation : 28.11.2022  
 Date of transcription by steno : 01.12.2022  
 Signed on : 03.12.2022

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

03.12.2022 at 5.00 p.m.                      Mrs. J. S. Gole  
 (H.G.STENOGRAPHER)  
 UPLOAD DATE AND TIME                      NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.)	H.H.1st A.P.J. Shridhar M. Bhosale Court Room No.1
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Date of pronouncement of Judgment/Order	28.11.2022
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Judgment/Order signed by P.O. on	03.12.2022
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Judgment/Order uploaded on	03.12.2022
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