



IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.1981 OF 2022  
(CNR NO.MHCC05-006611-2022)

IN

C.R. NO.1544/2022  
(POLICE STATION, BORIVALI)

1. **Mihir Jayantibhai Patel** )  
Aged : 29 years, Occ: Service )
2. **Ganesh Jayantibhai Patel** )  
Aged: 31 years, Occ: Service, )  
Both residing at 34/1001, Gorai Trimurti )  
C.H.S., R.D.P. -1, Suvidya School, Gorai 1, )  
Borivli West, Mumbai – 400092. ) Applicants

**Versus**

**The State of Maharashtra** )  
At the instance of Sr. Inspector of Police, )  
Borivali Police Station vide their F.I.R. )  
No.1544 of 2022. ) ..Respondent

Adv. Mr. Sudhir Bhardwaj for the applicants.  
APP Mr. Shailesh Pachapohar for the State.

**Coram : His Honour Addl. Sessions Judge,  
Ashish Ayachit  
(C.R.No.8)**

**Date : 20<sup>th</sup> December, 2022.**

**ORDER**

This is an application under Section 438 of Cr.P.C. arising out of Crime No.1544/2022 registered with Borivali Police Station for the offence punishable under Sections 452, 448,427, 506, 141, 143 r/w Section 149 of I.P.C.

2. Perused the application.
3. Heard Adv. Mr. Sudhir Bhardwaj for the applicants and APP Mr. Shailesh Pachapohar for the prosecution.
4. Perused the record and the say of Investigation Officer. Having gone through the record, it seems that civil litigation in respect of demised premises vide S.C. Suit No.2389/2022 is subjudice before the City Civil Court at Dindoshi. Considering the nature of allegations made in the FIR, I find that it is in the interest of justice to enlarge the applicant/accused on anticipatory bail in the event of their arrest. I, therefore, pass the following order:-

**ORDER**

1. Anticipatory Bail Application No.1981/2022 is allowed.
2. Applicant No.1-Mihir Jayantibhai Patel and applicant No.2-Ganesh Jayantibhai Patel be released on anticipatory bail on executing personal bond in the sum of Rs. 15,000/- (Fifteen Thousand Rupees Only) each with one or two sureties in the like amount, in the event of their arrest in Crime No.1544/2022 registered with Borivali Police Station, for the offence punishable under Sections 452, 448, 427, 506, 141, 143 r/ Section 149 of I.P.C., on the following conditions:
  - (i) They shall attend police station, whenever called by the Investigation Officer by issuing written notice and co-operate in investigation.
  - (ii) They shall not tamper with the prosecution case.
  - (iii) They shall not travel abroad without permission of the Investigation Officer during investigation and Metropolitan Magistrate, after filing of the charge-sheet.

- (iv) The Investigation Officer is directed to acknowledge presence of the applicant.
3. Inform the concerned Police Station, accordingly.
4. Anticipatory Bail Application No.1981/2022 stands disposed off, accordingly.

Date: 20.12.2022

(Ashish Ayachit)  
Additional Sessions Judge,  
City Civil & Sessions Court,  
Borivali Division, Dindoshi

Dictated by HHJ on : 20.12.2022  
Transcribed on : 20.12.2022  
Signed by HHJ on : 20.12.2022

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

UPLOAD DATE AND TIME : 22.12.2022 5.40 P.M. ATUL SURYAKANT BHOGTE  
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri Ashish Ayachit (Court Room No.8)
Date of Pronouncement of Judgment/Order	20.12.2022
Judgment/Order signed by P.O. on	20.12.2022
Judgment/Order uploaded on	22.12.2022