

MHCC050067092022



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

ANTICIPATORY BAIL APPLICATION NO.2013 OF 2022

IN

C.R.NO.1360 OF 2022

Mr. Mohammed Istekhar Wasi
Akhtar Shaikh
Age : 35 years, Occ.-
Residing : A-19, Malwani Asthagandha,
CHS, Plot No.61, RSC-11, Mhada
Malwani, Behind Sagar Samrath,
Malad West, Mumbai – 400 095Applicant

V/s.

The State of Maharashtra
(At the instance of Malwani Police Station, Mumbai)
.....Respondent

Adv. Mr. Arvind Yadav for applicant.
APP. Mr. Mahajan for State/respondent.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.
Court Room No.15.
Date : 26th December, 2022**

ORAL ORDER

The applicant has filed this application under section 438 of the Code of Criminal Procedure for grant of Bail in anticipation of arrest in Crime No.1360/2022 registered with Malwani Police Station for the offence punishable under Secs.504,

506(2) of the Indian Penal Code.

2. The applicant has contended that he is apprehending his arrest in connection with the aforesaid FIR registered at the instance of the report lodged by the informant alleging therein that the applicant used filthy and vulgur language in front of police officers of Malwani Police Station and also threatened to kill him. According to the applicant, he has not committed the offence as alleged and has been falsely implicated in the aforesaid crime. He contended that considering the nature of allegations, custodial interrogation is unwarranted. He is ready to co-operate the investigating machinery in the investigation of the crime. He further contended that he is permanent resident of Mumbai, so there is no possibility of fleeing away. Lastly, he prayed that he be enlarged on bail in anticipation of arrest in aforesaid crime.

3. The prosecution opposed the application contending that the applicant-accused used obscene and vulgur language and further gave threat to kill the informant. It is submitted by the prosecution that offence alleged against the accused is serious in nature. If the accused is enlarged on bail, possibility of committing similar offence cannot be ruled out. Lastly, it is prayed that anticipatory bail application be rejected.

4. I have heard Ld. Advocate for the applicant and Ld. A.P.P. for the State.

5. Having heard the Ld. Advocate for the applicant and Ld.

A.P.P. for the State I have gone through the FIR. The only allegation against the accused is that he committed criminal intimidation by threatening the informant to kill him. The offence under Sec. 506(II) of the Indian Penal Code is non-bailable and triable by the Magistrate. Considering the nature of the allegations, there is no need of custodial interrogation. It is not the case of the prosecution that the accused has criminal antecedents. Accused appears to be permanent resident of Mumbai. So, there is no possibility of fleeing away from justice. Considering the nature of the allegations, to my mind this is fit case to exercise the power under Sec.438 of the Code of Criminal Procedure.

In the result, the following order is made :-

:ORDER:

1. Anticipatory Bail Application No.2013 of 2022 is allowed.
2. The Malwani Police Station is directed that applicant Mohammed Istekhar Wasi Akhtar Sahikh in C.R.No.1360/2022 registered with Malwani Police Station for the offence punishable Under Section 504, 506(2) of the Indian Penal Code, in the event of their arrest, he be released on bail on furnishing P.B. and S.B. in sum of Rs.15,000/- (Rupees Fifteen Thousand Only) subject to following conditions :
 - (a) He shall attend the concerned police station from 11.00 a.m. to 03.00 p.m. on every Saturday, till filing of charge-sheet.
 - (b) He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(c) He shall not directly or indirectly make any inducement, threat or promise to any other persons acquainted with the facts of the accusation against him so as to dissuade them from disclosing such facts to the Court to any other officer.

3. Breach of any of the conditions shall entail cancellation of bail.

4. Inform to the concerned Police Station, accordingly.

5. Accordingly, Anticipatory Bail Application No.2013 of 2022 stands disposed of.

Dt.26/12/2022

(S. N. SALVE)
Addl. Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi, Mumbai

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

UPLOAD DATE 28.12.2022
AND TIME : 4.00 p.m.

Mrs. T. S. Bhogte
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri S. N. Salve (Court Room No.15)
Date of Pronouncement of Judgment/Order	26.12.2022
Judgment/Order signed by P.O. on	28.12.2022
Judgment/Order uploaded on	28.12.2022