

MHCC050064472022



ANTICIPATORY BAIL APPLICATION NO. 1935 OF 2022

1) Pritesh Raghuraj Yadav

Age: 22 years, Occ.: Service,
Residing at:- Billu Yadav Chawl,
Near Nirmala Building,
Sahar Road, Koldongari,
Galli No. 1, Andheri,
Mumbai 400 069.

2) Mr. Hasmukh Pannalal Yadav

Age: 23 years, Occ.: Student,
Residing at:- Billu Yadav Chawl,
Near Nirmala Building,
Sahar Road, Koldongari,
Galli No. 1, Andheri,
Mumbai 400 069.

..Applicants

V/s

The State of Maharashtra

(At the instance of Andheri Police Station,
Mumbai in CR No. 828/2022)

...Respondent

Smt. Farzana, Advocate for applicants.
Shri. Ambekar, Addl. PP for the State/respondents.

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

Date : 14th December, 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 their arrest in connection with C.R. No. 828 of 2022 registered at Police Station, Andheri for the offences under Sections 326, 324, 323, 504, r/w 34 of Indian Penal Code (hereinafter referred as 'IPC').

2. Perused the application and say Exh. 2. Perused the FIR and the investigation papers. Heard Learned advocate Smt. Farzana for the applicant-accused and Learned Additional PP Shri. Ambekar for the State.

3. On consideration of the FIR the role attributed to the present applicant-accused is that both applicants have assaulted with the informant by wooden bamboo, hand and leg of the informant. However, it is to be noted that those bamboo were already recovered. Further the other accused were arrested and have been released on bail by Learned Metropolitan Magistrate by order dated 12/08/2022. One of the ground considered by the Learned Metropolitan Magistrate to allow the application is that the informant who is brother of the applicants-accused have already settled the matter amicably. Therefore, considering all these facts in my considered opinion there is no necessity of custodial interrogation. Hence, I pass the following order :

ORDER

1. Anticipatory Bail Application No. 1935 of 2022 is hereby allowed.
2. In the event of arrest, applicant-accused no. 1 Mr. Pritesh

Raghuraj Yadav and applicant-accused no. 2 Mr. Hasmukh Pannalal Yadav in connection with C.R.No. 828 of 2022 registered at Police Station, Andheri for the offences under Sections 326, 324, 323, 504, r/w 34 of Indian Penal Code, they be released on executing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each, and the like amount with one surety each.

3. Applicant-accused no. 1 Mr. Pritesh Raghuraj Yadav and applicant-accused no. 2 Mr. Hasmukh Pannalal Yadav, shall report to the police station, Andheri on 16.12.2022 and 17.12.2022 in between 12.00 noon to 02.00 p.m. and shall cooperate to the investigating officer as and when required for the purpose of investigation.
4. Applicant-accused no. 1 Mr. Pritesh Raghuraj Yadav and applicant-accused no. 2 Mr. Hasmukh Pannalal Yadav, shall not tamper the evidence
5. Anticipatory Bail Application No. 1935 of 2022 stands disposed off accordingly.

14.12.2022

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

Date of dictation : 14.12.2022
Date of transcription by steno : 23.12.2022
Signed on : 23.12.2022

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

23.12.2022 at 5.31 p.m. UPLOAD DATE AND TIME	Mrs. J. S. Gole (H.G.STENOGRAPHER) NAME OF STENOGRAPHER
Name of the Judge (With Court Room No.)	H.H.1st A.P.J. Shridhar M. Bhosale Court Room No.1
Date of pronouncement of Judgment/Order	14.12.2022
Judgment/Order signed by P.O. on	23.12.2022
Judgment/Order uploaded on	23.12.2022