

MHCC050066892022



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

ANTICIPATORY BAIL APPLICATION NO.2009 OF 2022

IN

C.R.NO.1117 OF 2022

1. Rahul Lalit Thakur,
adult, aged 20 years,
residing at Galli No.4,
Ganpat Patil Nagar,
New Link Road, I. C. Colony,
Borivali (West),
Mumbai – 400 103

....Applicant

V/s.

The State of Maharashtra
(At the instance of MHB Colony Police Station, Mumbai)

.....Respondent

Adv. Arvind Yadav for applicant/accused.
APP. Sachin Jadhav for State/respondent.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.
Court Room No.15.
Date : 23rd December, 2022**

ORAL ORDER

This application under Section 438 of the Code of Criminal Procedure is filed for grant of Bail in anticipation of arrest in Crime No.1117 of 2022 registered with MHB Colony Police Station, Mumbai for the offence punishable under Secs.354, 324,

323, 504, 34 of the Indian Penal Code.

2. The applicant-accused has contended that he is respectable person in the society and has not committed the offence as alleged by the prosecution. He is apprehending his arrest in connection with the aforesaid crime registered at the instance of report lodged by the informant alleging therein that the applicant-accused outraged her modesty, insulted her and voluntarily caused hurt by means of deadly weapons. According to the applicant-accused, he is innocent and has not committed the offence as alleged. It is submitted that his custodial interrogation is unwarranted, he is permanent resident of Mumbai so there is no possibility of evading the trial. He undertakes to obey the conditions, if any, imposed by the court. Lastly, he prayed that he be enlarged on bail in anticipation of arrest in the aforesaid crime.

3. The prosecution has resisted the application by giving Say on the application itself contending that on 03.12.2022 when the informant was proceeding to her, shop exchange of words took place and on account of that the applicant-accused outraged her modesty, voluntarily caused hurt to her and also insulted her. It is further contended that investigation is on. If the applicant-accused is enlarged on bail, possibility of committing the similar offence and threatening the informant cannot be ruled out. On these amongst other grounds, the prosecution sought for rejection of the anticipatory bail application.

4. I have heard Ld. Advocate for the applicant-accused and

Ld. A.P.P. for the State.

5. After considering the rival submissions, it would be appropriate to grant bail to the applicant- accused in anticipation of his arrest in the aforesaid crime for the following reasons:-

Firstly, co-accused are enlarged on bail by the Ld. Metropolitan Magistrate. The case of the present applicant is not distinguishable from that of the co-accused enlarged on bail.

Secondly,. it is not the case of the prosecution that the present applicant has criminal antecedents.

Thirdly, custodial interrogation is not necessary for the investigation of the crime.

Fourthly, the informant has not sustained any serious injury in the alleged incident.

Fifthly, all offences are triable by the Magistrate and bailable except the offence under section 354 of IPC.

Sixthly , it is not the case of the prosecution that anything is to be recovered from the applicant.

Lastly, the applicant is permanent resident of Mumbai, so there is no possibility of evading the trial.

6. In view of the above stated reasons and considering the nature of the crime and manner in which it is committed, it would be appropriate to exercise discretion under section 438 of the Code of Criminal Procedure to release the applicant-accused on anticipatory bail. However, to strike out the balance between the

liberty of the applicant-accused and the interest of the prosecution to investigate the crime, it would be appropriate to direct the applicant-accused to attend the Police Station, till filing of the charge-sheet.

In the result, the following order is made :-

ORDER

1. Anticipatory Bail Application No.2009/2022 is allowed.

2. MHB Colony Police Station, Mumbai is directed that the applicant-accused Rahul Lalit Thakur in Crime No.1117 of 2022 registered with MHB Colony Police Station, Mumbai for the offence punishable under Secs.354, 324, 323, 504 read with section 34 of the Indian Penal Code, in the event of his 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) The applicant-accused shall attend the concerned police station from 11.00 am to 03.00 pm on every 1st and 3rd Sunday till filing of the charge-sheet.
 - (b)The applicant-accused shall not directly or indirectly make any inducement,threat or promise to any other persons acquainted with the facts of the accusation against them 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. Applicant-accused is at liberty to deposit cash bail in lieu of surety.

5. Inform to the concerned Police Station, accordingly.
6. Accordingly, Anticipatory Bail Application No. 2009/2022 stands disposed of.

Dt.23/12/2022

(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 26.12.2022
AND TIME : 12.30 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	23.12.2022
Judgment/Order signed by P.O. on	26.12.2022
Judgment/Order uploaded on	26.12.2022