



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

ANTICIPATORY BAIL APPLICATION NO.1901 OF 2022  
(CNR NO.MHCC05-006335-2022)

IN

C.R. NO.156/2021  
(POLICE STATION, GOREGAON)

**Dr. Rajkumar Nainmal Jain,** )  
Aged 49 years, presently residing at 401, Arihant )  
Apartment, S.V. Road, Goregaon (West), )  
Mumbai – 400 104. ) **..Applicant**

Vs.

**The State of Maharashtra,** )  
Through Goregaon Police Station, Mumbai) ) **..Respondent**

And

**Smt. Pooja Rajkumar Jain** ) **..Intervenor/  
Informant**

Adv. Mr. V.S. Kothari for the applicant.

APP Mrs. Usha Jadhav for the State.

Adv. Mr. Brijesh Shukla h/f. Adv. Mr. Shailesh Kumar Rai for the  
intervenor.

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

**Date : 23<sup>rd</sup> December, 2022.**

**ORDER**

This is an application u/s. 438 of Cr.P.C. for anticipatory bail in relation with Crime No.156/2021 registered with Goregaon Police Station for the offences punishable under Sections 498A, 420, 325, 323, 504 and 506 of I.P.C. r/w Section 3 and 4 of the Dowry

Prohibition Act.

2. Perused the application and say of Investigation Officer.
3. Heard Adv. Mr. V.S. Kothari for the applicant, APP Mrs. Usha Jadhav for the prosecution and Adv. Mr. Brijesh Shukla h/f. Adv. Mr. Shailesh Kumar Rai for the intervenor/informant.
4. This court has granted interim protection to the applicant by order dated 29.11.2022 and issued notice to the original informant for referring the matter for mediation. The informant is absent. Her advocate is present. The applicant is also present in the court. He is ready for mediation. Learned Adv. Mr. Kothari as well as Adv. Mr. Shukla consented for mediation before trained Mediator Judge.
5. I have carefully gone through the allegations made in the FIR. It revealed from the FIR that it is lodged on 9.04.2021 and thereafter the applicant executed registered Gift Deed in favour of the original informant on 18.10.2021. Considering the nature of allegations made in the FIR and keeping in mind the law laid down by the Hon'ble Apex Court in the case of *Arnesh Kumar Vs. State of Bihar & Anr. (2014) 8 SCC 273*, it is a fit case to grant anticipatory bail to the applicant/accused on certain conditions.
6. Advocate Mr. Kothari submitted that he will contact with the Advocate of the informant and take suitable date according to the convenience of his client for mediation. Therefore, even if this matter is decided, mediation can be done by the Mediator Judge, if both parties appear and requested for the same. I, therefore, pass the following order:-

**ORDER**

1. Anticipatory Bail Application No.1901/2022 is allowed.
2. The applicant-Dr. Rajkumar Nainmal Jain be released on anticipatory bail on executing personal bond in the sum of Rs. 15,000/- (Fifteen Thousand Rupees Only) with one or two sureties in the like amount, in the event of his arrest in Crime No.156/2021 registered with Goregaon Police Station for the offence punishable under Sections 498A, 420, 325, 323, 504, 506 of I.P.C. r/w Section 3 and 4 of the Dowry Prohibition Act, on the following conditions :
  - (i) He shall attend police station, whenever called by the Investigation Officer, by issuing written notice, one day in advance.
  - (ii) He shall co-operate in investigation.
  - (iii) He shall not tamper with the prosecution case or use any practise to pressurise the informant.
  - (iv) He shall furnish information and itinerary, whenever he travels abroad to the Investigation Officer, till filing of charge- sheet.
  - (v) The Investigation Officer is directed to acknowledge presence of the applicant.
3. Inform the concerned Police Station, accordingly.
4. Anticipatory Bail Application No. 1901/2022 stands disposed of, accordingly.

Date: 23.12.2022

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

ABA-1901/22

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Order

Dictated by HHJ on : 23.12.2022  
Transcribed on : 23.12.2022  
Signed by HHJ on : 23.12.2022

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

UPLOAD DATE AND TIME : 23.12.2022 4.40 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	23.12.2022
Judgment/Order signed by P.O. on	23.12.2022
Judgment/Order uploaded on	23.12.2022