

MHCC020175872022



**IN THE COURT OF SESSIONS FOR GREATER BOMBAY AT MUMBAI**  
**ANTICIPATORY BAIL APPLICATION NO. 2874 OF 2022**  
**(CNR NO. MHCC02-017587-2022)**  
**(C.R.NO. 1039 OF 2022)**

**Ramu Alias Rahul Apparav Waghmare**

An Adult, Aged about 35 Years,  
Residing at 248/244, Shankar Marwadi Chawl,  
Parshuram Pupala Marg, Mumbai Central,  
Mumbai 400 008.

**..Applicant**

**Versus**

**The State of Maharashtra,**  
Nagpada Police Station vide  
FIR No.1039/2021.

**..Respondent**

**Appearances :-**

Ld. Adv. Mr. Sadanand Bansode for the Applicant.

Ld. Addl.PP. Mrs. Rajlaxmi Bhandari for the State/Respondent.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE,  
MRS. MADHURI M. DESHPANDE,  
(COURT ROOM NO. 41).**

**DATED : 9<sup>TH</sup> JANUARY, 2023.**

**ORDER**

1. This is an application filed by the applicant **Ramu Alias Rahul Apparav Waghmare** under Section 438 of the Code of Criminal Procedure, 1973, praying for releasing him on anticipatory bail in connection with **C. R. No.1039 of 2022** registered with **Nagpada** Police

Station, Mumbai for the offence punishable under Sections **354, 324, 323, 504, 506 r/w 34** of the Indian Penal Code 1860.

2. The prosecution story in short is that, the complainant Shri Jairam Nanjunde Gauda lodged report to **Nagpada** police station *inter alia* contending that he works as a prostitute agent and his wife works as a prostitute. On 24/12/2022, he was standing in front of his room and his wife was standing there for prostitute business. The accused Sunny came to her under the influence of liquor and demanded amount to her. She refused to give the amount. The accused Sunny abused her and threatened her that he will close her business. The complainant tried to give understanding to him but accused Sunny slapped him; abused him. The accused Sunny called someone. At that time, his brother Ramu i.e present applicant and two other persons came there. Present applicant Ramu had brought iron nakkal. The applicant Ramu assaulted the complainant. When his wife intervened in the matter, the applicant Ramu also assaulted her by iron nakkal on her breast. The applicant was not in a position to listen. The other accused persons also assaulted him and his wife by hands. The neighbouring persons came there to rescue the complainant and his wife but the present applicant and other accused persons assaulted them by fist and kick blows and outraged modesty of his wife and two other ladies. The public gathered there. The accused Sunny, present applicant Ramu and their two companions fled away. On these allegations, complainant lodged report and offence punishable under Sections **354, 324, 323, 504, 506 r/w 34** of the Indian Penal Code 1860 came to be registered against the applicant vide Crime No. **1039 of 2022**.

3. The contention of applicant is that, he never committed any offence as alleged by Police Inspector of Nagpada Police Station in the present case. He never acted in the manner alleged by the Police Inspector in the present case and allegations levelled against him in the complaint by the complainant is false, frivolous, baseless and vexatious allegations. He is innocent and has not committed any offences whatsoever and much less the alleged offences by the Police Inspector. He is unaware about the crime as alleged in the above FIR. The complainant has filed false complaint against him in Nagpada Police Station. He is the friend of accused No.1 and just to remove personal rivalry, some persons from their area has filed a false FIR against accused No.1 and his friends. He is residing with his family members since last several years. He has strong roots in the society and is neither likely to abscond nor he is likely to temper with the prosecution evidence in the event of he being released on anticipatory bail in the event of him being arrested in connection with the present case. In the present case, custodial interrogation is not necessary. He will abide by all the terms and conditions of bail. He is ready and willing to cooperate the investigation and willing to attend the police station as and when required. Lastly, he prayed to release him on anticipatory bail.

4. The prosecution has opposed the application by filing Say vide Exh-2 on the grounds that the offence is serious in nature. The weapon used in the commission of crime is yet to be seized. The applicant alongwith his companions fled away from the spot. The investigation is in progress. The applicant and complainant residing in the same area. If applicant is released on anticipatory bail, he will pressurize the prosecution witnesses and complainant. Hence, it prayed to reject the application.

5. Heard Learned Advocate for the applicant and Learned Addl. PP for the State/Respondent. Gone through the record.

6. In view of these facts, following points arise for determination and findings thereon are recorded against each of them, for the reasons stated below :-

<b>Sr. No.</b>	<b><u>POINTS</u></b>	<b><u>FINDINGS</u></b>
1.	Whether the applicant is entitled for anticipatory bail ?	Yes.
2.	What order ?	As per final order.

### **REASONS**

#### **Point No. 1 :-**

7. On perusal of contents of FIR, it appears that the incident is taken place on 24/12/2022 at about 12.30 a.m. to 1.30 a.m. and FIR is lodged on 24/12/2022 at about 5.47 a.m. There is delay in lodging of the FIR. The complainant and his wife were knowing the applicant and his companions. Prosecution in its say has not prayed for custodial interrogation of the applicant for any purpose. The apprehension of the prosecution is only that he can commit similar type of offence and can pressurize the prosecution witnesses. It is not the case of prosecution that applicant has not co-operated the Investigating Agency. The apprehension of the prosecution can be taken care of by imposing certain stringent conditions upon the applicant. The interim protection is already granted to the applicant. Hence, Point No. 1 is answered in the affirmative.

8. Therefore considering nature of offence and role played by applicant in the offence in question, I find it just and proper to release the applicant on anticipatory bail. Hence, I proceed to pass the following order.

**ORDER**

1. Anticipatory Bail Application No. **2874 of 2022** is allowed.
2. The interim protection granted vide order dated **28/12/2022** to the Applicant **Ramu Alias Rahul Apparav Waghmare** in connection with Crime No. **1039 of 2022** registered with **Nagpada** Police Station, Mumbai for the offence punishable under Sections **354, 324, 323, 504, 506 r/w 34** of the Indian Penal Code 1860 is hereby confirmed on the following conditions :-
  - a) Applicant shall attend concerned police station on every Saturday between 11.00 a.m. & 2.00 p.m. till filing of the charge-sheet. Thereafter, he shall attend concerned police station as and when called by the Investigating Officer.
  - b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.
  - c) Applicant shall not leave India without permission of the Court.
  - d) Applicant shall not commit similar type of offence in future.
  - e) Applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.
  - f) Applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned Court.
  - g) Applicant shall not talk with the complainant and his wife personally or by any electronic mode, till the completion of the trial.

- h) Applicant shall not enter the vicinity where the complainant and his wife resides or works, till filing of the charge-sheet.
- g) If the applicant disobeyed any of the above condition, the prosecution is at liberty to move the Court for cancellation of anticipatory bail.
3. The Investigating Officer, **Nagpada** Police Station, Mumbai is directed to release the applicant on P.R. Bond of Rs. 30,000/- with one or two solvent surety/sureties in like amount in the event of his arrest in the above said offence.
4. Anticipatory Bail Application No.2874 of 2022 stands disposed of accordingly.



(Mrs. Madhuri M. Deshpande)  
Addl. Sessions Judge,  
City Civil & Sessions Court,  
Gr. Mumbai

9/1/2023

Dictated on : 9/1/2023  
Transcribed on : 9/1/2023  
Checked & corrected on : 9/1/2023  
Signed on : 9/1/2023  
Sent to Dept on :

<b>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”</b>		
<b>Upload Date</b>	<b>Upload Time</b>	<b>Name of Stenographer</b>
<b>9/1/2023</b>	<b>2.55 PM.</b>	<b>Mrs. Mrunal S. Pendkhalkar</b>
<b>Name of the Judge (With Court Room No.)</b>		<b>HHJ Mrs. Madhuri M. Deshpande (Court Room No. 41)</b>
<b>Date of Pronouncement of ORDER</b>		<b>9/1/2023</b>
<b>ORDER signed by P.O. on</b>		<b>9/1/2023</b>
<b>ORDER uploaded on</b>		<b>9/1/2023</b>