

MHCC050068062022



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

**ANTICIPATORY BAIL APPLICATION NO.2038 OF 2022
IN
C.R.NO.1355/2022**

Ridesh Dilip Gujral
Aged – 21 years, Occ.- Student,
Residing at B-504, Manavathal
Towers, Kaccha Rasta, New
Mahakali Road, Malad West,
Mumbai – 400 095

.....Applicant/Accused

V/s.

State of Maharashtra
(At the instance of Malad Police Station)

.....Respondent

Adv. Mr. Sudhir Bhardwaj for applicant/accused.
APP. Ms. R. S. Kanojia for State/respondent.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.
Court Room No.15.
Date : 4th January, 2023**

ORAL ORDER

This application under section 438 of Code of Criminal Procedure (For short, Cr.P.C) moved by applicant-accused for grant of bail in the event of his arrest in connection with Crime No.1355 of 2022 registered with Malad Police Station for an offence punishable

under sections 332, 353, 504 and 506 of Indian Penal Code 1860, (For short, IPC).

2. In short, it is contention of the applicant-accused that he is apprehending his arrest in connection with aforesaid FIR registered at the instance of the informant for the commission of the offence punishable under sections 332, 353, 504 and 506 of the I. P. C. He contended that he is a student and pursuing higher education . He is enrolled in Semester I, Post Graduation Diploma in Management in Athrav School of Business situated at Malad. He is appearing for December 2022 Examination which commenced from 20.12.2022. According to the applicant-accused, he has not committed the offence as alleged by the prosecution and has been falsely implicated in the crime. The provisions of Sec.332 and 353 are invoked against him just to implicate him in serious crime. According to the applicant, there is no need of custodial interrogation. He has no criminal antecedents. He hails from Mumbai, so there is no possibility of evading the trial. He also undertakes to render full co-operation to the Investigating Officer in the investigation of the crime. Lastly, he prayed that considering the facts that he is student, pursuing higher education and his examination has commenced from 20.12.2022, he be enlarged on bail in anticipation of his arrest in the aforesaid crime.

3. The prosecution opposed the application by filing say at Ex.3. It is submitted by the prosecution that the informant is a public servant and while he was discharging his duties as public servant, the applicant-accused voluntarily caused hurt to the informant to deter him from discharging his duty as public servant.

It is submitted by the prosecution that the offences alleged against the applicant-accused are serious in nature and the investigation of the crime is under way. Therefore, the prosecution prayed that bail application be rejected.

4. I have heard the Ld. Advocate for the applicant-accused and Ld. APP for State at length.

5. Having heard the Ld. Advocate for applicant-accused and Ld. APP for State, I have gone through the Bail Application, say filed by the prosecution, copy of FIR and other documents annexed with it. The accused is apprehending his arrest in connection with offence punishable under sections 332, 353, 504 and 506 of the I.P.C. Considering the allegations against the applicant-accused, I am of the opinion that there is no need of custodial interrogation. Further, the applicant-accused is pursuing higher education and appearing for the examination which commenced on 20.12.2022. Moreover, the applicant is having no criminal antecedents. There appears no possibility of fleeing away from justice, if he enlarged on bail in anticipation of arrest in the aforesaid crime. It is also not the case of the prosecution that the informant has sustained serious injury in the alleged incident. After having considered the nature of allegations against the applicant, the fact that custodial interrogation is unwarranted and taking into account the fact that the applicant is a student, pursuing higher education and appearing for the examination which has commenced from 20.12.2022, I am of the opinion that this is a fit case to exercise the power under Sec.438 of Cr. P. C. Interest of the State in so far as the investigation of the crime is concerned, can also be safeguarded by directing the

applicant-accused to report to the concern police station and not to tamper with the prosecution evidence.

In the result, following order is passed.

ORDER

1. Anticipatory Bail Application No.2038 of 2022 is allowed.
2. The Malad Police Station is directed that the applicant-accused, Ridesh Dilip Gujral in C.R.No.1355/2022 registered for the offence punishable under 332, 353, 504, 506 of the Indian Penal Code, in the event of his arrest, he be released on bail on furnishing his P.B. and S.B. in sum of Rs.15,000/- (Rupees Fifteen Thousand Only) subject to following conditions :-
 - i) He shall report the concerned police Station on every Sunday in between 12.00 pm to 4.00 pm till filing of chargesheet.
 - ii) 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, or to instigate, provoke to others to commit such type of offence and
 - iii) He 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 her/him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
 - iv) He shall not leave India without prior permission of this Court.

3. Breach of any of the conditions shall entail cancellation of bail.
4. Anticipatory Bail Application No.2038 of 2022 stands disposed of.
5. Provisional cash bail of Rs.15,000/- is allowed for one month.

Dt.03.01.2023

(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 04.01.2023
AND TIME : 12.40 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	04.01.2023
Judgment/Order signed by P.O. on	04.01.2023
Judgment/Order uploaded on	04.01.2023