

MHCC050063752022



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

ANTICIPATORY BAIL APPLICATION NO.1913 OF 2022

IN

C.R.NO.1543 OF 2022

SAJID SHARIF SHAIKH,

Aged : 50 years, Occu: Business,

Residing at : Flat No.102-B,

24 Saraswati Vaishali Co-op Hsg

Society, Vaishali Nagar, Jogeshwari (w),

Mumbai-102.

...Applicant/accused.

V e r s u s

The State of Maharashtra

(Oshiwara Police Station)

...Respondent.

Shri Manerkar, Advocate for the Applicant/accused.

Mrs Geeta Godambe, Addl.P.P for the State.

CORAM : A.Z.KHAN,

Additional Sessions Judge,

Borivali Division, Dindoshi, Mumbai.

(C.R.NO.09)

Dt.07th December, 2022.

O R D E R

1. The present application is filed by the applicant/accused

for the Anticipatory Bail. Perused the application and say thereon vide Exh.4. Heard the learned advocate Shri Manerkar for the applicant/accused & the learned Addl.P.P Mrs Geeta Godambe for the State. I have gone through the case papers, say of the police and the documents. It is seen that the present applicant/accused alleged to have been committed the offences punishable u/s 420, 406, 354 & 504 of The Indian Penal Code in C.R No.1543 of 2022 wherein the offence is registered in Oshiwara Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant namely Mumtaz Aslam Shaikh Dt.22/11/2022 alongwith the statements of the witnesses and the documents filed by the parties on record etc shows that the complainant is the Makeup Artist who wanted to start the said business by taking the flat on rent wherein she met with the present applicant/accused who was ready to give the flat on rent in which the present applicant/accused took the amount of Rs. 10,00,000/- by virtue of the Leave and License Agreement Dt. 02.11.2021 but failed to handover the said flat nor repaid the said amount but the present applicant/accused called the complainant on 11.05.2022 and outraged the modesty under the pretext of the said amount whereby the complainant lodged the report in which the police investigated the matter and recorded the statements of the witnesses.

3. Obviously, the report and the statements of the witnesses and the documents filed by the parties on record clearly shows that the present applicant/accused took the amount of Rs.10,00,000/- from the complainant by virtue of the Leave and License Agreement Dt.

02.11.2021 but failed to handover the said flat on rent nor repaid the said amount of Rs.10,00,000/- to the complainant despite ample opportunity. On the contrary, the present applicant/accused alleged to have been outraged the modesty of the complainant on 11.05.2022 under the pretext of the said amount. No doubt, the offence is serious and against the woman and there are several aspects involved in the present case whereby the custodial interrogation of the applicant/accused is indeed essential otherwise the right to interrogate the present applicant/accused by the investigation Officer would be taken away which would certainly affect the case of the prosecution & ultimately the case of the complainant on merit.

4. In such circumstances, I am of the view that this is not the fit case in which the applicant/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

ORDER

The application is hereby rejected.

(A.Z.Khan)

Additional Session Judge,
Borivali Div, Dindoshi,
Mumbai.

Date :- 07.12.2022.

Dictated on	: 07.12.2022.
Transcribed on	: 07.12.2022.
Checked and Signed on	: 07.12.2022.

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

07.12.2022 at 05.55 P.M.
UPLOAD DATE AND TIME

Ashok S. Sugdare
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.09)
Date of Pronouncement of JUDGMENT/ ORDER	07.12.2022
JUDGMENT/ORDER signed by P.O. on	07.12.2022
JUDGMENT/ORDER uploaded on	07.12.2022