



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

ANTICIPATORY BAIL APPLICATION NO.1980 OF 2022  
(CNR NO.MHCC05-006612-2022)  
IN  
C.R. NO.995/2022  
(POLICE STATION, GOREGAON)

**Sameera Khan** )  
Aged-44 years, Occ: Business, )  
Resident of A-204, E.E. Heights, )  
Above Deli Darbar Restaurant, )  
S.V. Road, Jogeshwari (West),. )  
Mumbai – 400 102. ) ..Applicant(s)

**Vs.**

**The State of Maharashtra** )  
(At the instance of Senior Inspector of )  
Police, Goregaon Police Station) ) ..Respondent(s)

**And**

**Hariprasad Ganpat Barai** ) ..Intervenor

Adv. Mr. Rajkumar Awasthi for the applicant.  
APP Mr. Shailesh Pachapohar for the State.  
Adv. Mr. Ashish Dubey for the intervenor.

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

**Date : 14<sup>th</sup> December, 2022.**

**ORDER**

This is an application under Section 438 of Cr.P.C. for releasing the applicant on anticipatory bail in Crime No.995/2022

registered with Goregoan Police Station for the offence punishable under Sections 323, 427, 452, 504, 506 r/w Section 34 of I.P.C.

2. Perused the application and say of Investigation Officer and an objection raised by the intervenor.

3. Adv. Mr. Ashish Dubey appeared for intervenor. Permission is granted to him to intervene in the proceeding. I have given him an opportunity to make his submission. He made detail submission and submitted that there is threat to the life of the informant from the accused. Therefore, he requested to reject the pre-arrest bail application.

4. Adv. Mr. Rajkumar Awasthi for the applicant has taken me through the FIR and earlier report lodged by the informant in the police station where the name of the present applicant has not been reflected. He has cited the case of *State of Haryana & Ors. Vs. Bhajan Lal & Ors., reported in 1992 Supp (1) Supreme Court Cases 335*. He submitted that there is civil dispute and civil suit is dismissed by this court. He filed copy of roznama as well as order passed by this court.

5, Investigation Officer has mentioned in the say that the applicant was not present at the relevant time of incident, but there is sufficient evidence to show that the applicant has paid the amount to the other accused and sent them for committing offence. Therefore, he requested to reject the anticipatory bail application.

6. Having gone through the complaint lodged by the informant against the accused as well as keeping in mind that there is civil dispute pending between the informant and the accused persons, I find that the custodial interrogation of the present applicant is not warranted and

necessary. She was not present at the relevant time of incident. As such, anticipatory bail is granted with certain conditions. I, therefore, pass the following order:

ORDER

1. Anticipatory Bail Application No.1980/2022 is allowed.
2. The applicant-Sameera Khan be released on anticipatory bail on executing personal bond in the sum of Rs. 20,000/- (Twenty Thousand Rupees Only) with one or two sureties in the like amount, in the event of her arrest in Crime No.995/2022 registered with Goregaon Police Station for the offence punishable under Sections 323, 427, 452, 504, 506 r/w Section 34 of I.P.C., on the following conditions :
  - (i) She shall attend police station as and when called by the Investigation Officer by issuing written notice.
  - (ii) She shall not threaten the witnesses.
  - (iii) She shall not visit to the disputed site.
  - (iv) She shall not tamper with the prosecution evidence.
  - (v) She shall not travel abroad without previous permission of the Investigation Officer during investigation and after filing of charge-sheet of the learned Metropolitan Magistrate.
3. The Investigation Officer is directed to acknowledge her presence at the police station whenever she attends.
4. Inform the concerned Police Station, accordingly.
5. Anticipatory Bail Application No. 1980/2022 stands disposed of, accordingly.

Date: 14.12.2022

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

Dictated by HHJ on : 14.12.2022  
Transcribed on : 14.12.2022  
Signed by HHJ on : 22.12.2022

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

UPLOAD DATE AND TIME : 22.12.2022 5.40 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	14.12.2022
Judgment/Order signed by P.O. on	22.12.2022
Judgment/Order uploaded on	22.12.2022