

MHCC050066962022



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

**ANTICIPATORY BAIL APPLICATION NO.2006 OF 2022**  
**IN**  
**C.R.NO.642/2022**

Mr. Santosh Kumar Rambahadur Singh,  
Aged 46 years,  
R/o. Room No.-7, Ali Mast Chawl,  
Krishna Nagar, Marol Naka,  
Andheri East, Mumbai – 400 059 .....Applicant  
V/s.

State of Maharashtra  
(At the instance of Sahar Police Station) .....Respondent

Adv. Mr. Chandrakant S. Bojgar for applicant/accused.  
APP. Mr. Mahajan for State/respondent.

**CORAM : H.H. Additional Sessions Judge,  
Shri S. N. Salve.  
Court Room No.15.  
Date : 3<sup>rd</sup> 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 connection with Crime No. 642 of 2022 registered with Sahar Police Station for an offence punishable under sections 408 read with section 34 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 Sec. 408 read with section 34 of I.P.C. He contended that he has not committed the offence as alleged by the prosecution and has been falsely implicated in the aforesaid crime. According to the accused, Sec.408 of the I. P. C. is not attracted against him as he is not employee of the informant's company. He contended that there is no need of his custodial interrogation looking into the nature of the allegations. He further contended that co-accused who is main accused in the crime has already been enlarged on bail by this Court. His case is also on similar footings. He contended that by applying the principles of parity, he is entitled to be enlarged on bail. He undertakes to co-operate the Investigating Officer in the investigation and also ready to furnish the surety to the satisfaction of the Court. Lastly, he prayed that he be released on bail in connection with aforesaid crime.

3. The prosecution opposed the application by filing say at Ex.3. It is submitted by the prosecution that the applicant-accused has committed criminal breach of trust. If the present accused is enlarged on bail, his presence is not likely to be secured for the trial. The prosecution, therefore, 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 the offence punishable under section 408 of the I.P.C. which is non-bailable, triable by the Magistrate and punishable with imprisonment which may extend upto 7 years. It is observed from the record that co-accused who has main role in the crime has already been enlarged on bail. The case of the present accused is on similar footings. By applying the principle of parity, the present accused is entitled to be enlarged on bail. Further there is no need of custodial interrogation. The accused is also permanent resident of Mumbai. So, there is no possibility of fleeing away from justice. Having considered the nature of allegations against the present accused, I am of the opinion that this is fit case to exercise the power under Sec.438 of Cr. P.C.

In the result, following order is passed.

### **ORDER**

1. Anticipatory Bail Application No.2006 of 2022 is allowed.
2. The Sahar Police Station is directed that the applicant-accused Santosh Kumar Rambahadur Singh in C.R.No.642/2022 registered for the offence punishable under 408, 34 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 Monday in between 12 pm to 4 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 instigated, 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.2006 of 2022 stands disposed of.

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 05.01.2022  
AND TIME : 3.00 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	03.01.2023
Judgment/Order signed by P.O. on	03.01.2023
Judgment/Order uploaded on	05.01.2022