

MHCC050066072022



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

ANTICIPATORY BAIL APPLICATION NO.1979 OF 2022

IN

C.R.NO.983 OF 2022

1. Mr. Siddharth Nandkishor Singh
An adult Indian Inhabitant
Aged about 24 years, Occ.-Service

2. Mrs. Sangita Nandkishor Singh
An adult Indian Inhabitant
Aged about 46 years, Occ.- Housewife
Both residing at G/501, R. N. A. Regency Park,
M. G. Road, Maharashtra Nagar,
Kandivali (West), Mumbai – 400 067Applicants/ Accused

V/s.

The State of Maharashtra
(At the instance of Charkop Police Station, Mumbai)
.....Respondent

Adv. Arkam Shaikh h/f. Adv. T. R. Patel for applicants/accused.
APP. Mr. Mahajan for State/respondent.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.**

Court Room No.15.

Date : 19th December, 2022

ORAL ORDER

This application Under Section 438 of the Code of Criminal Procedure is filed for grant of Bail in anticipation of arrest

in Crime No.983 of 2022 registered with Charkop Police Station, Mumbai for the offence punishable under Secs.354, 504 and 506 read with section 34 of the Indian Penal Code.

2. The applicants – accused have contended that they are respectable person in the society and have not committed the offence as alleged by the prosecution. They are apprehending arrest in connection with the aforesaid crime registered at the instance of report lodged by the informant alleging therein that the applicants outraged her modesty, insulted her and also committed criminal intimidation by threatening her with injury to her person. According to the applicants, they are innocent and have not committed the offence as alleged. It is submitted that their custodial interrogation is unwarranted, they are permanent residents of Mumbai so there is no possibility of evading the trial. They undertake to obey the conditions, if any, imposed by the court. Lastly, they prayed that they be enlarged on bail in anticipation of arrest in the aforesaid crime.

3. The prosecution has resisted the application by filing Say (Exh. 3) contending that the accused have outraged the modesty of the informant. If the accused are enlarged on bail, possibility of committing the similar offence and threatening the informant cannot be ruled out. On these amongst other grounds, the prosecution sought for rejection of the anticipatory bail application.

4. I have heard Ld. Advocate for the applicant-accused and Ld. A.P.P. for the State.

5. After considering the rival submissions, it would be appropriate to grant bail to the applicants– accused in anticipation of his arrest in the aforesaid crime for the following reasons;

Firstly, there is nothing in the FIR that the applicants had intention to outrage the modesty of the informant. The applicant No. 2 is also woman. Therefore, it is doubtful to hold that case falls under section 354 of the Indian Penal Code against the present applicants – accused.

Secondly,. it is not the case of the prosecution that the present applicants have criminal antecedents.

Thirdly, custodial interrogation is not necessary for the investigation of the crime.

Fourthly, the informant has not sustained any serious injury in the alleged incident.

Fifthly, all offences are triable by the Magistrate and bailable except the offence under section 354 of IPC.

Lastly, the applicants are permanent residents of Kandivali, Mumbai, so there is no possibility of evading the trial.

6. In view of the above stated reasons and considering the nature of the crime and manner in which it is committed, it would be appropriate to exercise discretion under section 438 of the Code of Criminal Procedure to release the applicants – accused on anticipatory bail. However, to strike out the balance between the liberty of the applicant-accused and the interest of the prosecution to investigate the crime, it would be appropriate to direct the applicants-accused to attend the Police Station, till filing of the charge-sheet.

In the result, the following order is made :

ORDER

1. Anticipatory Bail Application No. 1979/2022 is allowed.

2. Charkop Police Station, Mumbai is directed that the applicant-accused No. 1 Siddharth Nandkishor Singh and accused No. 2 Mrs Sangita Nandkishore Singh in Crime No. 983/2022 registered with Charkop Police Station, Mumbai for the offence punishable under Secs. 354, 504 and 506 r/w 34 of the Indian Penal Code, in the event of their arrest, they be released on bail on furnishing P.B. and S.B. in sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each subject to following conditions :
 - (a) The applicants-accused shall not directly or indirectly make any inducement, threat or promise to any other persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court to any other officer.
 - (b) The applicants-accused shall attend the concerned police station from 11:00 am to 03:00 pm on every Sunday till filing of the charge-sheet.

3. Breach of any of the conditions shall entail cancellation of bail.

4. Applicants – accused are at liberty to deposit cash bail in lieu of surety.

5. Inform to the concerned Police Station, accordingly.
6. Accordingly, Anticipatory Bail Application No. 1979/2022 stands disposed of.

Dt.19/12/2022

(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 19.12.2022
AND TIME : 4.30 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	19.12.2022
Judgment/Order signed by P.O. on	19.12.2022
Judgment/Order uploaded on	19.12.2022