

ABA 2021/2022

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ORDER

MHCC050067452022



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 2021 OF 2022
C. R. No. 1184 of 2022
(CNR NO.MHCC05-006745-2022)**

1. Mr. Sudhakar Yellappa Shetty

Age – 67 years, Occ : Business,

2. Mr. Arvind Sudhakar Shetty

Age – 41 years, Occ : Business,

Both Residing at E/220,

Dheeraj Savera Building,

Near Sidharth Nagar Road,

Borivali (East), Mumbai- 400066.

...Applicants/Accused

V/s.

The State of Maharashtra

(Through Dindoshi Police Station, Mumbai

C.R.No. 1184/2022)

....Respondent

Ld. Advocate Mr. Gyanprakash Pal for the Applicants/Accused.

Ld. APP Mr. Sachin Jadhav for The State.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE
SHRI. SHRIKANT Y. BHOSALE
(C.R.NO.13)**

DATE : 22nd DECEMBER, 2022

ORDER

In anticipation of arrest in CR no. 1184/2022 registered with Dindoshi police station under sections 354, 509, 506, r/w Section 34 of IPC, the applicants have made this application for pre-arrest bail.

2. Prosecution vide say Exh. 2 resisted the application.
3. Heard Learned Adv. Gyanprakash Pal for the applicants and Learned APP Sachin Jadhav for the State.
4. For the material on record, the case of the prosecution appears to be that according to the informant the applicants were attempting to make encroachment on her land on 03/10/2022. There was quarrel in between the applicants and the informant. It is allege that the accused scuffled with the informant, abused her in filthy language and while scuffling applicant no. 2 touch her breast and pushed had back.
5. According to Learned Adv. for the applicants the allege incidence took place on 03/10/2022, the intimation of the incidence received by police on 11/10/2022 and the first information is registered on 14/12/2022, without having any explanation of late registration of first information. He further submits that the applicant have also filed counter case and said is registered CR No. 1185/2022. According to him there is dispute of immovable property therefore false case is lodged.
6. As again this Learned APP submits that the offence is against women as such it is necessary to be taken seriously. He submits that if in such cases anticipatory bail is granted it would give wrong massage to the society. He therefore request to reject the bail application.
7. After having regards to the material on record it is seen that there are two stories of one incidence, the police have registered two cases one is the information of informant and another is the information of applicants. There appears dispute about the

encroachment on the immovable property. Considering the nature of allegation there appears no need of custodial interrogation. It is also seen that there is considerable delay in registering in the first information, even though the police had received information long back. Considering all these accepts the court is of view that the case for anticipatory bail is made out. Hence, the order-

ORDER

1. Anticipatory Bail Application No. 2021 of 2022 stands conditionally allowed.
2. In the event of arrest, of Applicant/accused Nos. 1 and 2 respectively **Mr. Sudhakar Yellappa Shetty and Mr. Arvind Sudhakar Shetty**, in aforesaid C.R.No. 1184/2022 for the offence punishable under sections 354, 509, 506, r/w Section 34 of the Indian Penal Code, 1860, registered with Dindoshi Police Station, Mumbai, they be released on their executing P. R. Bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) each and on furnishing one surety of like amount and on accepting and complying following terms and conditions -
 - a) They shall not tamper with prosecution witnesses in any way.
 - b) They shall attend concerned police station on 27.12.2022 and 29.12.2022 between 10.00 a.m. to 2.00 p.m. and thereafter, if required by the investigation officer by his order in writing.
3. Anticipatory Bail Application No. 2021 of 2022 stands disposed of.

(Dictated and pronounced in presence of Ld. Advocate for Applicant & Ld. APP)

Date: 22.12.2022

(Shrikant Y. Bhosale)
The Addl. Sessions Judge
City Civil & Sessions Court,
Borivali Division, Dindoshi.

ABA 2021/2022

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ORDER

Direct Typed on Computer : 22.12.2022
Checked & corrected on : 22.12.2022
Signed on : 22.12.2022

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

Date : 23/12/2022

Time : 4.14 P.M.

UPLOAD DATE AND TIME

Mrs. J. S. Gole

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

**HHJ Shrikant Y. Bhosale
(Court Room No.13)**

Date of Pronouncement of
JUDGMENT/ORDER

22.12.2022

JUDGMENT/ORDER signed by P.O. on

22.12.2022

JUDGMENT/ORDER uploaded on

23.12.2022