



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

ANTICIPATORY BAIL APPLICATION NO.2027 OF 2022
(CNR NO.MHCC05-006766-2022)
IN
C.R. NO.805/2022
(POLICE STATION, GOREGAON)

Umera Salim Khan)
Age-32 years, Occupation : -)
R/o. Flat No.703, B-Wing, Rajyog Bldg.,)
New Mhada, Lokhandwala, Andheri (W),)
Mumbai – 400 053.) **..Applicant**

Versus

State of Maharashtra)
(Through Goregaon Police Station, C.R.)
No.805 of 2022).) **..Respondent**

And

Mrs. Shahida Khatoon Ahmed Jalil Shaikh) **..Intervenor/
Informant**

Adv. Mr. Mehboob Khan for the applicant.
APP Mrs. Usha Jadhav for the State.
Adv. Ms. Anjali S. Jaiswal for the intervenor/informant.

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

Date : 29th December, 2022.

ORDER

This is an application for anticipatory bail under Section
438 of Cr.P.C. in respect of Crime No.805/2022 registered with

Goregaon Police Station for the offence punishable under Section 380 of I.P.C.

2. Perused the application and say of Investigation Officer. Informant appeared through Adv. Ms. Anjali Jasiwal. She is permitted to address the court.

3. I have heard advocate Mr. Mehboob Khan. He has taken me through the entire FIR and submitted that there is a delay in lodging report. No prima facie case is made out against the applicant/accused. Hence, he requested to grant anticipatory bail to the applicant.

4. On the other hand, Adv. Ms. Anjali Jaiswal for the informant strongly opposed the application and submitted that the applicant is history shitter. Offence is serious in nature. It requires investigation and therefore, she requested to reject the application.

5. APP Mrs. Usha Jadhav submitted in the tune of say of Investigation Officer. Investigation Officer opposed the bail application on the ground that the stolen property is yet to be recovered and investigation is under progress. Notice issued to the applicant but the Investigation Officer specifically mentioned that the applicant has not followed and complied with notice under section 41A of Cr.P.C.

6. I have carefully gone through the record. It seems that the stolen articles are not recovered by the Investigation Officer. There is prima facie involvement seen from the say of Investigation Officer. Custodial interrogation of the applicant is necessary. Therefore, anticipatory bail cannot be granted. I, therefore, pass the following order:-

ORDER

Anticipatory Bail Application No.2027/2022 is rejected and stands disposed off, accordingly.

Date: 29.12.2022

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

Dictated by HHJ on : 29.12.2022
Transcribed on : 29.12.2022
Signed by HHJ on : 29.12.2022

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

UPLOAD DATE AND TIME : 30.12.2022 4.15 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	29.12.2022
Judgment/Order signed by P.O. on	29.12.2022
Judgment/Order uploaded on	30.12.2022