

MHCC050065612022



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

ANTICIPATORY BAIL APPLICATION NO.1962 OF 2022

IN

C.R. NO. 1706 OF 2022

(CNR NO.MHCC05-006561-2022)

Ms Vaishali Kisan Gurakha

Aged : 33 years, Occ : Housewife,

Residing at : Room No.18, Boir Chawl,

Shivneri Nagar, C.S. Road,

Near Vidya Mandir School,

Dahisar (East), Mumbai- 400 068.

...Applicant.

Versus

The State of Maharashtra

At the instance of Dahisar Police Station

vide C.R. No.1706 of 2022.

...Respondent.

Ld. Adv. Sudhir Bhardwaj for applicant.

Ld. APP. Pachpohar for Respondent.

CORAM : H.H. ADDITIONAL SESSIONS JUDGE

SHRI D. G. DHOBLE (C.R. No.7)

DATE : 13th December, 2022.

ORDER

This is an application under Section 438 of Criminal Procedure Code for anticipatory bail.

2 The applicant/accused no. 2 is apprehended her arrest in Crime No.1706/2022 registered with Dahisar Police Station for the offence punishable under Sections 354, 323, 504, 506 r/w 34 of Indian Penal Code.

3 The FIR is lodged by the daughter-in-law of the applicant alleging that the informant along with her child and husband resides together. The applicant who is her mother-in-law and her husband too resides in the same vicinity. Informant was in need of Ration Card, therefore, on 04/12/2022 at about 11.00 p.m. informant and her husband went to the house of the applicant and demanded ration card. The applicant and her husband refused. The applicant pulled her hair and threatened by strangulating throat with hand and accused Kisan Gurakha outraged her modesty by indecent act.

4 Learned APP for State submitted that the applicant has been forcibly implicated. She has no any concerned with the alleged offence. On the other hand, the informant and her husband on that day visited their house in drunken condition, abused and started assaulting by fist and blows. The husband of applicant lodged report on the basis of which N.C. Complaint No.4100 under Sections 323, 504, 506 of IPC registered against the informant and her husband. The applicant is woman and there is no allegations against the applicant of outrage of her modesty. Hardly, the offence under Section 323 of I.P.C could be made out. The said offence is bailable in nature. Having regard to the allegation the custodial interrogation of the applicant is not required. There is no other criminal antecedent. The applicant/accused has attended the concerned police station pursuant to the order passed by

this Court on 09/12/2022. Therefore, interim anticipatory bail granted to the applicant may be confirmed.

5 On the other hand, the learned APP appearing for the State submitted that the applicant has attended the police station in pursuant to interim order of this court. further there is prima facie involvement of the applicant in alleged offences. The custodial interrogation of the applicant is required. It is further submitted that considering the nature of the offence and involvement, interim anticipatory bail may not be confirmed.

6 While granting interim protection, his Court held that the allegations against the applicant is only pulling hair and threatening to strangulate the throat. The husband of applicant admittedly lodged report on the basis of which N.C. Complaint No.4100 under Sections 323,504,506 of IPC came to be registered against the informant and her husband. The applicant is a woman, she attended the police station. There is no criminal antecedent. Having regard to the nature and gravity of accusation, the custodial interrogation of the applicant is not required. There is no likelihood of tampering the prosecution witness and likelihood of accused feeling from justice if released on bail. The same can be taken care of by imposing certain condition.

7 Hence, I am inclined to confirm the anticipatory bail order passed by this Court on 9/12/2022. Hence, I pass following order-

ORDER

- 1 Anticipatory Bail Application No.1962 of 2022 is allowed.
- 2 Interim anticipation bail granted to the applicant by order dated 9/12/2022 is hereby confirmed on following conditions :
 - i) In the event of arrest of applicant, **Ms Vaishali Kisan Gurakha** she shall be released on furnishing P.R. Bond of Rs.15,000/-(Rupees Fifteen Thousand Only) with one solvent surety in the like amount in the Crime No.1706/2022 registered with Dahisar Police Station for the offence punishable under Sections 354, 323, 504, 506 r/w 34 of Indian Penal Code.
 - ii) Accused/applicant shall not directly or indirectly make any threat and shall not tamper prosecution witnesses.
 - iii) Accused/applicant shall attend Dahisar Police Station on every month of 1st Monday in between 4.00 p.m. to 5.00 p.m. till filing of chargesheet.
 - iv) Accused/applicant shall make herself available for investigation as and when required by Investigating Officer.
 - v) Inform to the Dahisar Police Station accordingly.
 - vi) Anticipatory Bail Application No.1962 of 2022 stands disposed of accordingly in above terms.

Dictated and pronounced in open Court.

Sd/-

(D. G. DHOBLE)

Additional Sessions Judge,
Borivali Div.,Dindoshi, Mumbai.

Dated : 13/12/2022

Dictated on : : 13/12/2022
Transcribed by steno on : : 13/12/2022
Checked & Signed by HHJ on : : 14/12/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNATURE OF THE JUDGE IN THE
JUDGMENT/ORDER”

Date : 14/12/2022

Time : 12.34 P.M.

UPLOAD DATE AND TIME

Mrs. P. P. Dabholkar
(Stenographer Grade-I)
NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)	HHJ Datta G. Dhoble (C.R. No.7)
Date of Pronouncement of JUDGMENT/ORDER	13/12/2022
JUDGMENT/ORDER signed by P.O. on	14/12/2022
JUDGMENT/ORDER uploaded on	14/12/2022