

MHCC050068382022



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

ANTICIPATORY BAIL APPLICATION NO.2047 OF 2022

- 1) Mr. Vatsal Bhalchandra Joshi
Aged - 22 years, Occ.- Student,
Hindu, Indian Inhabitant

- 2) Mr. Bhalchandra Dinkarra Joshi
Aged 65 years, Occ.- Service,
Hindu, Indian Inhabitant,
All residing at : 404, Raipada,
Khatri Apartment,
Malad (West), Mumbai – 400 064Applicants

V/s.

State of Maharashtra
(At the instance of Malad Police Station)
FIR No.1329/22Respondent

Adv. Danniya Varma for applicant/accused.
APP. Ms. R. S. Kanojia for State/respondent.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.
Court Room No.15.
Date : 24th January, 2023**

ORAL ORDER

Perused applicaton moved by the applicants who are apprehending their arrest in conncection with C. R. No.1329/2022 registered with Malad Police Station for the offences punishable

under Sec.452, 354, 323, 324, 504, 506 r/w sec.34 of the Indian Penal Code at the instance of the report lodged by the informant alleging therein that the present applicants along with the co-accused entered their house with intention to commit offence, hurled abuses and when his sister-in-law pacified the quarrel, the present accused outraged her modesty. According to the applicants, they have not committed the offence as alleged and have been falsely implicated with malafide intention to extract money. It is contended by them that considering the nature of allegations made against them, there is no need of custodial interrogation. They, therefore, prayed that they be enlarged on bail.

2. Prosecution opposed the bail application contending that offence alleged against the applicants are serious in nature. Present applicants have outraged the modesty of the sister in law of the informant. It is contended that investigation is on and if applicants are released on bail, possibility of threatening and tampering of witnesses cannot be ruled out. Therefore, prosecution prayed that bail application be rejected.

3. I have heard both the sides. Applicants are apprehending their arrest in connection with aforesaid offences which are triable by the Ld. Metropolitan Magistrate. Considering the nature of the allegations, to my mind, custodial interrogation of the applicants is unwarranted. Furthermore, it is not the case of the applicants that anything is to be recovered at the instance of the present applicants. Applicants are having no criminal antecedents. They have fixed place of residence in Mumbai, so there is no possibility of evading the trial. Considering the nature of the

allegations, fact that custodial interrogation is unwarranted and applicants have no criminal antecedents, to my mind, this is a fit case to exercise the discretion under Sec.438 of the Cr. P. C. for grant of bail to the applicants in the event of their arrest in the aforesaid crime. However, to strike the balance between the liberty of the applicants and interest of the prosecution in carrying out the investigation, it would be just and proper to direct the applicants to report to the police station.

In the result, following order is passed.

ORDER

1. Anticipatory Bail Application No.2047 of 2022 is allowed.
2. The Malad Police Station is directed that the applicant No.1, Vatsal Bhalchandra Joshi and applicant No.2 Bhalchandra Dinkarra Joshi in C.R.No.1329/2022 registered for the offence punishable under Sec.354, 452, 323, 324, 504, 506 r/w 34 of the Indian Penal Code, in the event of their arrest, they be released on bail on furnishing their P.B. and S.B. in sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each subject to following conditions :-
 - i) They shall report to the concerned police Station on every Sunday in between 12.00 pm to 4.00 pm till filing of chargesheet.
 - ii) They shall not commit an offence similar to the offence of which they are accused, or suspected of the commission of which they are suspected, or to instigate, provoke to others to commit such type of offence.
 - iii) They 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.

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

4. Accordingly, Anticipatory Bail Application No.2047 of 2022 stands disposed of.

Dt.24.01.2023

(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 03.02.2023
AND TIME : 12.30 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	24.01.2023
Judgment/Order signed by P.O. on	0302.2023
Judgment/Order uploaded on	03.02.2022