

MHCC050063692022



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

**ANTICIPATORY BAIL APPLICATION NO.1908 OF 2022**  
**IN**  
**C.R.NO.723 OF 2021**

**1.Mr. Vijay Damodar Raut,**  
Aged : 72 years, Indian inhabitant,

**2.Ms. Anjali Vijay Raut,**  
Aged : 44 years , Indian Inhabitant,

Both Residing at :Building No.3/A  
Shri Sai Ganesh CHLS, Kandarpada,  
Dahisar (West), Mumbai-400 058.

**...Applicants/accused.**

**V e r s u s**

**The State of Maharashtra  
(M.H.B.Colony Police Station)**

**...Respondent.**

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Shri Ajinkya Pokharkar, Advocate for the Applicants/accused.  
Shri Sachin Jadhav, A.P.P for the State.  
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**CORAM : A.Z.KHAN,**  
**Additional Sessions Judge,**  
**Borivali Division, Dindoshi, Mumbai.**  
**(C.R.NO.09)**  
**Dt.30<sup>th</sup> November, 2022.**

**ORDER**

1. The present application is filed by the applicants/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.3. Heard the learned advocate Shri Ajinkya Pokharkar for the applicant/accused & the learned A.P.P Shri Sachin Jadhav for the State. I have gone through the case papers, say of the police and the documents. It is seen that the present applicants/accused alongwith the other accused alleged to have been committed the offences punishable u/s 324, 323, 504 & 506(2) r/w 34 of The Indian Penal Code in C.R No.723 of 2021 wherein the offence is registered in M.H.B Colony Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant namely Ajay Shivkomal Mishra dt.01.10.2021 alongwith the statements of the witnesses and the documents filed by the parties on record etc clearly shows that there was a quarrel between the complainant family and the present applicants/accused family on 01.10.2021 at about 11.00 p.m at 3/A Shri Sai Ganesh Society, Jaganath Complex, Kandarpada, Bapu Bagve Road, Dahisar (West), Mumbai wherein both the families assaulted to each others in which the complainant sustained injury whereby he lodged the report in which police investigated the matter and recorded the statements of the witnesses.

3. Obviously, there is complaint filed by the complainant and counter complaint lodged by the present applicants/accused whereby

both the parties made the allegations that there was a quarrel wherein both the parties assaulted to each others. No doubt, all the offences are bailable except 506(2) of the I.P.C. and the present applicant/accused No.1 is old aged but the applicant/accused No.2 is the lady whereby the custodial interrogation of the present applicants/accused is not essential but the Investigation officer investigated the matter without their custodial interrogation. The applicants/accused are the permanent resident of Building No.3/A Shri Sai Ganesh CHLS, Kandarpada, Dahisar (West), Mumbai-400 058. The present applicants/accused are ready to abide all the terms & conditions imposed by the court by which the detention of the accused is not justified if some reasonable conditions are imposed.

4. In such circumstances, I am of the view that this is the fit case in which the applicants/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

### **ORDER**

The application is hereby allowed.

The applicants/accused **1.Mr. Vijay Damodar Raut & 2.Ms. Anjali Vijay Raut**, be released in the crime bearing No.723 of 2021 u/s 324, 323, 504 & 506(2) r/w 34 of The Indian Penal Code registered by M.H.B. Colony Police Station on furnishing P.R & S.B of Rs.15,000/- (Rupees Fifteen Thousands Only) each with one surety in the like amount in the event of the arrest.

The applicants/accused shall not tamper with the prosecution evidence in any manner.

The applicants/accused shall remain present before the police station on each Monday at 11.00 p.m to 05.00 p.m till filing of the charge-sheet.

**(A.Z.Khan)**  
Additional Session Judge,  
Borivali Div, Dindoshi,  
Mumbai.

**Date :- 30.11.2022.**

Dictated on : **30.11.2022.**  
Transcribed on : **30.11.2022.**  
Checked and Signed on : **30.11.2022.**

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

**30.11.2022 at 06.00 P.M.**  
**UPLOAD DATE AND TIME**

**Ashok S. Sugdare**  
**NAME OF STENOGRAPHER**

Name of the Judge (With Court room no.)	<b>SHRI. A. Z. KHAN</b> <b>(C.R. NO.09)</b>
Date of Pronouncement of JUDGMENT/ ORDER	<b>30.11.2022</b>
JUDGMENT/ORDER signed by P.O. on	<b>30.11.2022</b>
JUDGMENT/ORDER uploaded on	<b>30.11.2022</b>