

MHCC050065572022



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO.1960 OF 2022  
(C. R. No.846/2022 of Malad Police Station )**

- |    |                                    |               |
|----|------------------------------------|---------------|
| 1. | Vijaya Shivshankar Nair,           | ]             |
|    | Aged 52 years, Occ : Nil,          | ]             |
|    | Hindu, Adult, Indian Inhabitant,   | ]             |
|    | Residence:- Room No.1, Laxmi Singh | ]             |
|    | Chal, S.V. Road, Near Image Hotel, | ]             |
|    | Goregaon (W), Mumbai-400104.       | ]             |
| 2. | Amish Madhukar Bhoir               | ]             |
|    | Age 33 years, Occ : Nil,           | ]             |
|    | Hindu, Adult, Indian Inhabitant,   | ]             |
| 3. | Sumit Madhukar Bhoir               | ]             |
|    | Age 33 years, Occ : Nil,           | ]             |
|    | Hindu, Adult, Indian Inhabitant,   | ]             |
|    | Applicant no.2 and 3               | ]             |
|    | R/a. A/102, Opp. D.L.H. Park,      | ]             |
|    | Madina Tower, Sunder Nagar,        | ]             |
|    | Goregaon (W), Mumbai 400 104.      | ]             |
|    |                                    | ...Applicants |
|    | Versus                             |               |
|    | State of Maharashtra,              | ]             |
|    | (Through Malad Police Station)     | ]             |
|    |                                    | ...Respondent |

Ld. Adv. Bhavika Patil for applicants.

Ld.APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,  
Additional Sessions Judge,  
Court Room No.10.**

**Date : 15<sup>th</sup> December, 2022**

**ORAL ORDER**

The present application is filed by the applicants under section 438 of the Code of Criminal Procedure 1973 for granting Anticipatory Bail in connection with Crime No.846 of 2022, registered with Malad Police Station for the offences punishable under Sections 498A, 417, 377, 323, 504, 506 r/w. 34 of the Indian Penal Code.

**Brief facts of the prosecution case are as under :**

2. The complainant Vaishali Vinay Bhoir alleged that applicant No.1 is the maternal aunt of her husband and applicant No.2 and 3 are brother-in-laws. Her marriage took place on 30.11.2020 with accused Vinay Madhukar Bhoir. After that she went to matrimonial home. It is further alleged that her husband and mother-in-law used to ill-treat her on one or the other grounds. Her mother-in-law insult her in front of others. Her husband and mother-in-law demanding Rs.10,00,000/- to the complainant and told her to bring from her parents and on that count, she was subjected to physical and mental cruelty. It is alleged that applicant No.1 also assist to her mother-in-law. It is alleged that her husband used to watch pron movies and without her consent and against her will used to do unnatural sex with her and when she resisted, at that time, used to beat her. The applicants were helping her husband and mother-in-law and opposed to do her job and on that count they used to abuse and beat her. They demanding the aforesaid amount and on that count, she was subjected the cruelty. Applicant no.2 and 3 making gestures by which molest her. Applicant no.1 used to come at matrimonial home of the complainant and provoke her

mother-in-law by which her mother-in-law taunting her. Lastly, on 21.03.2022, she went to her parents house and thereafter, lodged the report at Malad Police Station by which crime No.846/2022 registered against the applicants.

3. The Ld. Advocate for applicants submitted that applicants are innocent and falsely implicated in this crime. The allegations made against them are false. The applicants never committed the alleged offence. The applicants are ready to abide any condition imposed upon them. Lastly prayed for allow the application.

4. On the other hand, the Ld. APP raised strong objection in view of reply at Ex.2 and submitted that the complainant is subjected to physical and mental cruelty. If the applicants are released on bail, they will pressurise the complainant and other witnesses. Hence, prayed for rejection of the application.

5. Considering the submission of both the advocates, and gone through the record, it appears that the name of applicant Nos. 1 to 3 not mentioned in FIR. Furthermore, there is no such grounds mentioned in the reply at Exh 02 to show that custodial interrogation of applicant No.1 to 3 is warranted. The less role attributed to the applicant no.1 to 3. There is nothing to be recovered from them. It may be noted that main accused Vinay Bhoir and mother-in-law Meena Bhoir already released on anticipatory bail. Therefore, it would be appropriate to enlarge the applicants on pre-arrest bail. But there is an apprehension in the mind of prosecution that if applicant no.1 to 3 released on anticipatory bail, they will pressurized the complainant and

witnesses. But the said care can be taken by imposing necessary conditions. In view of aforesaid reasons, I proceed to pass following order.

**ORDER**

1. Anticipatory Bail Application No.1960 of 2022 is hereby allowed.
2. In the event of arrest of the applicant No.1-**Vijaya Shivshankar Nair**, applicant no.2-**Amish Madhukar Bhoir** and applicant no.3 **Sumit Madhukar Bhoir** they be released on bail on executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two surety/sureties of like sum in connection with Crime No.846/2022, registered with Malad Police Station for the offences punishable under Sections 498A, 417, 377, 323, 504, 506 r/w. 34 of the Indian Penal Code, on following conditions :
  - i) They shall available themselves and attend the Malad police station as and when called or required by IO during investigation.
  - ii) They shall not pressurise the complainant and witnesses.
  - iii) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such a fact to the Court or to any police officer.
  - v) They are directed to furnish their local & native address and their contact number to Malad Police Station.
  - vi) Inform to the Malad Police Station.

3. Anticipatory Bail Application No.1960 of 2022 stands disposed of accordingly.

Dt. 15.12.2022

**(M.I. LOKWANI)**  
Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Directly typed on PC on : 15.12.2022  
Checked & Signed by HHJ on : 15.12.2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 20.12.2022 AT 04.50 p.m. NAME OF STENOGRAPHER PRASAD S. TARE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	15/12/2022
JUDGEMENT/ORDER signed by P.O. on	15/12/2022
JUDGEMENT/ORDER uploaded on	20/12/2022