

MHCC050067402022



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.2015 OF 2022
(C. R. No.761/2022 of Sahar Police Station)**

Mr. Wasim Khatri @ Arif Sharif]
Mohammad Shaikh,]
Age 25 years, Occ. - Service,]
Address : Room No.17, Chawl no.13,]
Marol Pipe Line, Sanjay Nagar, Andheri]
(East), Mumbai 400 059.] ...Applicant

Versus

State of Maharashtra,]
(Through Sahar Police Station)] ...Respondent

Ld. Adv. Archana Suple for applicant.
APP Poornima Chauhan for State.

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

Date : 02nd January, 2023

ORAL ORDER

1. The present application is filed by the applicant under section 438 of the Code of Criminal Procedure 1973 for granting Anticipatory Bail in connection with Crime No.761 of 2022, registered with Sahar Police Station for the offences punishable under Sections 324, 323, 506(2) r/w.34 of the Indian Penal Code.

Brief facts of the prosecution case are as under :

2. It is alleged by the complainant Santosh Chaudhari that, on 14.12.2022 at about 10.30 p.m. He along with Harikrishna and Rahul Kumar Jha were at Ramleela Maidan, Marol, Andheri (East), Mumbai, at that time applicant and 2 others were abusing them by stating that they are starring them. Applicant and others beat the complainant and other witnesses by fist and kick blows. Applicant Wasim Khatri @ Arif Sharif Mohammad Shaikh beat the complainant by stone and gave threat to kill. In the incident, complainant sustained bleeding injury on head. Hence, the complainant approached to Sahar police station and lodged the report by which crime no.761/2022 registered against applicant and others.

3. Advocate of applicant submitted that applicant is innocent and falsely implicated in this crime. He is ready to abide any condition imposed by this court. Lastly, prayed for allow this application.

4. Ld. APP has raised strong objection in view of reply Exh.2 and submitted that 2 unknown persons yet to be arrested. Applicant and complainant residing in the same area, if applicant released on bail then there is possibility to pressurize the complainant and witnesses. There is also possibility to abscond. Hence, prayed for rejection of application.

5. Considering the submission of both the advocates and gone through record, it appears that preliminary investigation is completed. Offence is triable by Metropolitan Magistrate Court. Gravity of offence is less serious. Nothing remain to recovered from the applicant.

Applicant is ready to abide any condition imposed by this court. There is no criminal antecedent against the applicant. There is nothing on record to show there is need of custodial interrogation of the applicant. Hence, custodial interrogation of the applicant is not required. It would be proper to enlarge accused on anticipatory bail. However, the apprehension in the mind of prosecution that if applicant released on anticipatory bail, he may pressurise the complainant and witnesses, but the said care can be taken by imposing necessary conditions. In view of aforesaid grounds, I proceed to pass following order.

ORDER

1. Anticipatory Bail Application No.2015/2022 is hereby allowed as under.
2. In the event of arrest of the applicant - **Mr. Wasim Khatri @ Arif Sharif Mohammad Shaikh**, be released on bail on executing P.R. Bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one surety of like sum in connection with Crime No.761/2022 registered with Sahar Police Station for the offence punishable under Sections 324, 323, 506(2) r/w.34 of the Indian Penal Code on following conditions :
 - i) He shall attend Sahar Police Station on every Sunday between 10.00 am to 01.00 pm till filing of Charge-sheet and shall co-operate the I.O. in investigation.
 - ii) He shall not pressurise the complainant and witnesses.
 - iii) He 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) He is directed to furnish his local & native address and his contact number to Sahar Police Station.

vi) Inform to the Sahar Police Station.

3. Anticipatory Bail Application No.2015 of 2022 stands disposed of accordingly. Dictated and pronounced in open Court.

Dt. 02/01/2023

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

Dictated to steno on : 02/01/2023
Transcribed by steno on : 02/01/2023
Checked & Signed by HHJ on : 02/01/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 02/01/2023 AT 04.45 p.m. NAME OF STENOGRAPHER R. A. Monde	
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	02/01/2023
JUDGEMENT/ORDER signed by P.O. on	02/01/2023
JUDGEMENT/ORDER uploaded on	02/01/2023