

MHCC020169022022

**IN THE COURT OF SESSIONS FOR GREATER BOMBAY AT MUMBAI****ANTICIPATORY BAIL APPLICATION NO. 2757 OF 2022****(CNR NO. MHCC02-016902-2022)****(C.R.NO. 426 OF 2022)****Mr. Baljeet Saroj**

Adult, Indian Inhabitant of Mumbai,
Aged around 35 Years,
Occupation-Employed,
R/a:- G-101, 1st Floor,
Mahalaxmi SRA CHS,
Pandurang Budhkar Marg,
Near Doordarshan, Worli,
Mumbai 400 030.

..Applicant**Versus****The State of Maharashtra,**

(At the instance of Gamdevi Police Station,
through the Public Prosecutor, Sessions
Court, Mumbai)

..Respondent**Appearances :-**

Ld. Adv. Mr. Prerak Sharma for Applicant.

Ld. Addl.PP. Mrs. Rajlaxmi Bhandari for the State/Respondent .

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE,
MRS. MADHURI M. DESHPANDE,
(Court Room No. 41).**

DATED : 20TH DECEMBER, 2022.**ORDER**

1. This is an application filed by the applicant **Baljeet Saroj** under Section 438 of the Code of Criminal Procedure, 1973, praying for releasing him on anticipatory bail in connection with C. R. No.426 of

2022 registered with Gamdevi Police Station, Mumbai for the offence punishable under Sections 354 & 504 r/w 34 of the Indian Penal Code.

2. The prosecution story in short is that, the complainant lodged report to Gamdevi police station interalia contending that accused Pragnesh Podar is the son of her husband's brother. He wanted to go to terrace for the purpose of performing pooja on the occasion of Laxmipoojan. Therefore, he came to her house for demanding the keys of terrace to her. The present applicant Baljeet Saroj is the bodyguard of the accused Pragnesh, who was with him. The complainant handed over the keys. The lock was not opened, therefore, complainant went there to help him. The accused Pragnesh asked her that he will not give keys back and started making dispute with her and abused her and did not hand over the keys to her and started going towards down stairs. The complainant demanded her keys, at that time, he hold her both hands and thereby outraged her modesty. The present applicant Baljit Saroj also hold her both the hands forcefully and helped accused Pragnesh in the commission of offence. On these allegations, she lodged report and offence punishable under Sections 354 & 504 r/w 34 of the Indian Penal Code, 1860 came to be registered against the applicant vide Crime No.426 of 2022.

3. The contention of applicant is that, FIR is nothing but an illegal attempt to extort money from the applicant. The said FIR is nothing but an abuse and misuse of the law and order machinery. From a perusal of the said FIR, it can be seen that no offence has been made out against him as alleged. He is innocent and has not committed any crime as alleged in the FIR. The entire case of the complainant is based on assumptions, conjectures and surmises. He is being falsely

implicated in the present FIR. He undertakes to co-operate with the Investigating Officer. He has no direct role in the commission of the alleged offence. There is no recovery to be made from him as can be seen from the record. His custodial interrogation is not required. He has deep root in the society and will not tamper with/hamper the investigation of the present FIR. He is ready and willing to co-operate the investigation and willing to attend the police station as and when required. He is ready to abide by all the terms and conditions that may be imposed. Accused Pragnesh is already released on anticipatory bail by this Court. Lastly, he prayed to release him on anticipatory bail.

4. The prosecution has opposed the application by filling Say vide Exh-2 on the grounds that, the offence is serious in nature. The investigation is in progress and charge-sheet is yet to be filed. The applicant is bodyguard of accused Pragnesh and if he is released on anticipatory bail, he will pressurize the complainant and prosecution witnesses and he will again commit similar type of offence. Hence, it prayed to reject the application

5. Heard Learned Advocate for the applicant and Learned Addl. PP for the State/Respondent. Gone through the record.

6. In view of these facts, following points arise for determination and findings thereon are recorded against each of them, for the reasons stated below :-

Sr. No.	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the applicant is entitled for anticipatory bail ?	Yes.
2.	What order ?	As per final order.

REASONS**Point No. 1 :-**

7. On perusal of contents of FIR, it appears that the incident is taken place on 24/10/2022 at about 16.30 hours and FIR is lodged on 25/10/2022 at about 1.54 p.m. There is huge delay in lodging of FIR. The documentary evidence placed on record reveals that there is civil dispute between complainant and accused Pragnesh on account of the property. The prosecution has not prayed for custodial interrogation of the applicant for any purpose. The apprehension of the prosecution is only that applicant is the bodyguard of accused Pragnesh and he can commit similar type of offence and can pressurize the prosecution witnesses. The further apprehension of the prosecution is that, if he is released on anticipatory bail, he will also tamper the prosecution evidence and will flee from the Court of Justice. The apprehension of the prosecution can be taken care of by imposing certain stringent conditions upon the applicant. Hence, Point No. 1 is answered in the affirmative.

8. Considering the nature of offence and role played by the applicant in the offence and on the ground of parity, I am of the view that, it will be just and proper to allow this application and to release the applicant on anticipatory bail by imposing some stringent conditions. Hence, the following order :-

ORDER

1. Anticipatory Bail Application No. **2757 of 2022** is allowed.
2. The applicant **Baljeet Saroj** be released on anticipatory bail in the event of his arrest in connection with Crime No. **426 of 2022** registered with **Gamdevi** Police Station, Mumbai for the offence punishable under Sections **354 & 504 r/w 34** of the Indian Penal Code, 1860, on the following conditions :-

- a) Applicant shall attend concerned police station as and when called by the Investigating Officer.
 - b) Applicant 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 them from disclosing such facts to the Court or to any police officer.
 - c) Applicant shall not leave India without permission of the Court.
 - d) Applicant shall not commit similar type of offence in future.
 - e) Applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.
 - f) Applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned Court.
 - g) Applicant shall not talk with the complainant personally or by any electronic mode, till filing of charge-sheet.
 - h) If the applicant disobeyed any of the above condition, the prosecution is at liberty to move the Court for cancellation of anticipatory bail.
3. The Investigating Officer, **Gamdevi** Police Station, Mumbai is directed to release the applicant on P.R. Bond of Rs. 15,000/- with one solvent surety in like amount in the event of his arrest in the above said offence.
 4. Anticipatory Bail Application No. **2757 of 2022** stands disposed of accordingly.

(Mrs. Madhuri M. Deshpande)
Addl. Sessions Judge,
City Civil & Sessions Court,
Gr. Mumbai

20/12/2022

Directly typed on : 20/12/2022
Checked & corrected on : 20/12/2022
Signed on : 20/12/2022
Sent to Dept on :

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
Upload Date	Upload Time	Name of Stenographer
20/12/2022	1.42 PM.	Mrs. Mrunal S. Pendkhalkar
Name of the Judge (With Court Room No.)	HHJ Mrs. Madhuri M. Deshpande (CR 41)	
Date of Pronouncement of ORDER	20/12/2022	
ORDER signed by P.O. on	20/12/2022	
ORDER uploaded on	20/12/2022	