

MHCC050061392022



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.1839 OF 2022**

Imran Iqbalbhai Vayani,]
Aged about 41 years, Occ : Trading]
R/a. 401, 4th floor, Midow park,]
Amrut Nagar, Jogeshwari (W), Mumbai] ..Applicant

Versus

State of Maharashtra,]
(Through D. N. Nagar Police Station)] ...Respondent

Ld. Adv. Shahid Iqbal for applicant.

Ld. APP Usha Jadhav for State.

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

Date : 17th December, 2022

ORAL ORDER

1. This is an application filed by the applicant for Anticipatory Bail under Section 438 of Cr. P.C. 1973.

Brief facts of the application as under :

2. It is submitted that on 29.10.2022, due to dispute of money arise between applicant and Abdul Rehman and sister-in-law Sana Aslam Malkani, it is threatened by them that they will lodged complaint

against the applicant. On 02.11.2022, applicant received phone call from D. N. Nagar police station and API informed him to attend the police station. On 14.11.2022, API visited to the applicant's house, but, applicant was not at home. Therefore, applicant has an apprehension that he will be arrested in cognizable and non bailable offence. Hence, prayed for Anticipatory Bail.

3. The Ld. Advocate for applicant submitted that applicant is innocent and try to implicate him in false case. He is ready to abide any condition imposed upon him. Lastly prayed for allow the application.

4. On the other hand, report of D. N. Nagar Police Station placed on record at Ex.2. Ld. APP submitted that till date no complaint or FIR registered at D. N. Nagar Police Station against the applicant. Therefore, application may kindly be rejected.

5. On perusal of said report, it appears that till date crime is not registered against the applicant. Adv of applicant submitted that in the said circumstances direct to the respondent to issue notice before taking any steps against the applicant. However, in view of order passed in case of *Vijaykumar Gopichand Ramchandani Vs. Amar Sadhuram Mulchandani and ors.* by Hon'ble Supreme Court in petition for Special Leave No. 9092/2022 dtd 05.12.2022, it is observed in para no. 2 and 3 that direction to the effect of 72 hours notice given by the respondent/state to the applicant, could not have been issued by the High Court and the said order of 72 hours notice vacated and set aside accordingly. In view of above decision of Hon'ble Supreme Court, in present case question does not arise to give

direction to the respondent/state to issue notice to the applicant prior to take any steps. Considering the above discussion, reasons and in absence of registration of crime against the applicant at D. N. Nagar police station, this application of pre-arrest bail deserved to be rejected. Hence, I proceed to pass following order.

ORDER

Anticipatory Bail Application No. 1839/2022 filed by applicant **Imran Iqbalbhai Vayani**, for Anticipatory Bail under Section 438 of Cr. P.C. 1973, is hereby rejected and disposed of accordingly.

Dictated and pronounced in open Court.

Dt. 17.12.2022

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

Directly typed on PC on : 17.12.2022
Checked & Signed by HHJ on : 17.12.2022

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	17/12/2022
JUDGEMENT/ORDER signed by P.O. on	17/12/2022
JUDGEMENT/ORDER uploaded on	20/12/2022