

MHCC020169582022



IN THE SESSIONS COURT FOR GREATER MUMBAI
AT MUMBAI
ANTICIPATORY BAIL APPLICATION NO.2768 OF 2022
(CRIME NO.839 OF 2022, NAGPADA POLICE STATION)

CNR No.MHCC02-016958-2022

Jaiki Anant Sharma,]
Aged 30 years,]
Residing at : Room No.80, Bachu Seth]
Wadi, 1st Floor, Foras Road, Sukhlaji St.,]
Mumbai Central, Mumbai – 400 008.] **... Applicant**

Vs.

The State of Maharashtra,]
(at the instance of Nagpada police station]
vide C.R. No.839 of 2022).] **... Respondent**

Appearances :-

Mr. Shahid Iqbal, Ld. Adv. for applicant.

Mr. J. N. Suryawanshi, Ld. A.P.P. for respondent/State.

CORAM : VISHAL S. GAIKE,
ADDL. SESSIONS JUDGE,
COURT ROOM NO.22.

DATE : 10th January, 2023.

ORDER

1. This is an application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.839 of 2022 registered at Nagpada police station for the

offence punishable under Sections 452, 325 r/w. 34 of the Indian Penal Code.

2. It is the case of the complainant Arjun Prasad that, the accused Mohit Sharma and his friends came to his house on 16/10/2022 at 6.45 p.m. The complainant questioned him as to why he had brought his friends to his house. Thereupon, accused Mohit Sharma got annoyed, uttered filthy words to the complainant and started to assault him by hands. Other accused tied legs of the complainant with cloth and assaulted the complainant with hands and legs. They also demanded money to the complainant for consuming liquor. The complainant refused to give money to them. Consequently, the said three accused uttered filthy words to him and assaulted him with hands and legs and ran away. The complainant had nose bleeding, therefore, he was taken to J.J. Hospital for his medical treatment. Thereafter, he gave report to the police.

3. The say of the Investigating Officer was called. She has stated that, the accused Mohit Sharma is 16 years old. Therefore, after enquiry, he was given into custody of his parents. The statements of witnesses were recorded and injury certificate pertaining to the complainant was brought from the J.J. Hospital, Mumbai. The investigation is completed and soon the charge-sheet would be filed.

4. Heard the parties. Learned counsel for the applicant submitted that, the applicant is innocent and has not committed any offence, as alleged. The accused Mohit Sharma is the real nephew of the complainant and there was a dispute between him and his maternal

uncle. The applicant is not concerned with the said incident in any manner. He is ready to co-operate in the investigation and abide any condition which may be imposed upon him in the event of his application being allowed. Hence, he may be granted anticipatory bail.

5. Learned A.P.P. vehemently opposed the application and reiterated the contents of the say of the Investigating Officer.

6. I have carefully considered the submissions made by the parties and the allegations made in the F.I.R. The main accused Mohit Sharma is the real nephew of the complainant. The complainant has received one grievous injury to his nose. Though, Section 325 of the Indian Penal Code is invoked against the applicant and the co-accused, but there are no allegations of use of any weapon against the complainant to assault and injure him. The main accused Mohit Sharma is a juvenile and as per the say of the Investigating Officer, the investigation is already completed. Therefore, in the facts of the case, there is no necessity of custodial interrogation of the applicant. Hence, I am inclined to allow the application and proceed to pass the following order :-

ORDER

1. Anticipatory Bail Application No.2768 of 2022 is allowed.

2. In the event of arrest of applicant Jaiki Anant Sharma in connection with C.R. No.839 of 2022 under Sections 452, 325 r/w. 34 of the Indian Penal Code registered with Nagpada police station, he shall be released on executing his P.R. bond of Rs.25,000/- with one surety in the like amount, and on following conditions :-

(a) He shall not tamper with the prosecution witnesses and evidence ;

- (b) He shall furnish his detail address, mobile/contact number, address proof, identity proof at the time of furnishing bail ;
- (c) In case of change of his residence or mobile/contact number, he shall inform it to the Court and Investigating Officer ;
- (d) He shall attend the concerned police station as and when called by the Investigating Officer by written notice for the purpose of investigation till filing of the charge-sheet ;
- (e) He shall attend the Court regularly, if any charge-sheet is filed against him ;
- (f) He shall co-operate with the Investigating Officer ;
- (g) He shall not leave the jurisdiction of this Court without the permission of concerned Metropolitan Magistrate and if the case is committed to this Court, without the permission of this Court ;
- (h) He shall not give any threat or pressurise the complainant and witnesses in any manner which may dissuade them from disclosing any fact of the case to the police officer or to the Court.

3. Anticipatory Bail Application is disposed off accordingly.

**(VISHAL SADASHIVRAO GAIKE)
ADDL. SESSIONS JUDGE,
CITY CIVIL & SESSIONS COURT,
GREATER MUMBAI.**

Date : 10/01/2023.

Dictated on : 10/01/2023.
Transcribed on : 13/01/2023.
Signed on :

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
UPLOAD DATE AND TIME 17/01/2023 at 5.45 p.m.	NAME OF STENOGRAPHER Bahushruta Y. Jambhale
Name of the Judge (With Court Room No.)	H.H.J. Shri Vishal S. Gaikar (Court Room No.22)
Date of Pronouncement of JUDGMENT/ORDER	10/01/2023.
JUDGMENT/ORDER signed by P.O. on	17/01/2023.
JUDGMENT/ORDER uploaded on	17/01/2023.