



**IN THE COURT OF SESSIONS AT GREATER BOMBAY**

**ANTICIPATORY BAIL APPLICATION NO. 2808 OF 2022  
(CNR NO. MHCC02-017180-2022)**

1. Mr. Mohamed Sajid Ansari )
2. Mr. Mohammed Sadiq Ansari )
3. Mr. Fazal Shaikh ) ... Applicants

**Versus**

**The State of Maharashtra )**  
(Through Kurla Police Station) ) ... Respondent

Ld. Adv. Tariq Khan for the Applicants.

Ld. APP. Kshirsagar for State / Respondent.

**CORAM : HER HONOUR THE ADDITIONAL SESSIONS  
JUDGE SMT. A. B. SHARMA (C.R. NO. 39)**

**DATED : 27.01.2023.**

**ORDER**

The Applicants have moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 857 of 2022 for the offences punishable under Sections 354, 323 and 504 read with Section 34 of the Indian Penal Code registered at Kurla Police Station, Mumbai.

2. Read application and Say (Exh. 02) of investigating officer filed through learned Additional Public Prosecutor. Perused the case

diary and documents annexed with the application.

3. Heard Learned Advocate for the applicants and learned Additional Public Prosecutor.

4. The victim and the applicants are residing in the same locality. On 18.12.2022 at about 6.00 p.m., the victim alongwith her mother and brother were standing outside the house, the applicant No. 2 came thereat and started quarreling with mother of the victim. When the victim asked him about the reason of quarreling, he started abusing them and there was scuffled between them. It is alleged that the applicant No. 2 has pushed the victim by pressing her breast and thereby outraged the modesty of victim. When the brother of the victim came to intervene, the applicant No. 2 assaulted him and her brother sustained bleeding injury to his nose. It is further alleged that, the applicant No. 2 has called the applicant Nos. 1 and 3 and they have assaulted the brother of victim by fist and kicks. Thereafter, by going to police station, she lodged the report against applicants.

5. The documents annexed with the application indicate that there is previous dispute between both the parties. It is seen that, after grant of ad-interim protection, the applicants did not misuse their liberty. The material investigation in respect of the applicants is almost completed. The offence is not punishable with death or imprisonment for life, but, the offence is non-bailable. Therefore, the applicants have reasonable apprehension of their arrest at the hands of police. Considering the nature of offence, the custodial interrogation of the applicants is not warranted. Therefore, I am of the view that, the applicants have made out their case for grant of pre-arrest bail and they

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are entitled for pre-arrest bail. Hence, I proceed to pass following order :-

**OPERATIVE ORDER**

1. The Anticipatory Bail Application No. 2808 of 2022 is hereby allowed.
2. The ad-interim protection already granted to the applicants on 22/12/2022 is hereby made absolute on the following modified conditions :-
  - a. The applicants shall not leave India without prior permission of the Court.
  - b. The applicants shall submit the proof of their residential address, phone number, Aadhar Card and Election Card, if any.
  - c. The applicants are directed to co-operate during course of investigation within 3 days from the date of this order and also to attend the police station as and when called by the Investigating officer.
  - d. The applicants are further directed not to tamper with the prosecution witnesses in any manner.
3. The Anticipatory Bail Application stands disposed off.



**(A. B. SHARMA)**  
Additional Sessions Judge  
City Civil & Sessions Court  
Greater Bombay.

Date :- 27.01.2023.

Dictation Typed on : 27.01.2023.

Checked & Signed on : 18.02.2023.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

18.02.2023 at 1.55 pm  
UPLOAD DATE AND TIME

(Y.M. SAKHARKAR)  
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.) **SMT. A. B. SHARMA**  
(C.R. NO. 39)

Date of Pronouncement of JUDGMENT/ ORDER 27.01.2023

JUDGMENT/ORDER signed by P.O. on 18.02.2023

JUDGMENT/ORDER uploaded on 18.02.2023