

CNR NO.MHCC02-017098-2022

IN THE COURT OF SESSIONS FOR GREATER BOMBAY

ANTICIPATORY BAIL APPLICATION No.2793 OF 2022

Mohammadali Akbarali Shaikh

Age : 48 years,

Residing at MK Chawl, Lala compound,

Dharavi 65 ft Road, Dharavi,

Mumbai 400 017.

....Applicant

- Versus -

The State of Maharashtra

(Through Shahu Nagar Police station,

vide Cr. No.425/2022)

.... Respondent

Appearance :-

Mr. APP Lade Adv. for State present.

Mr. Suresh Surve / Darshana Yeram Adv for Applicant/accused.

**CORAM : SHRI. S.D. KULKARNI,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM No. 30.**

DATED : 26th December, 2022

ORDER

. This is an application filed u/sec.438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in connection with C.R. No.425/2022 registered at Shahu Nagar Police Station for the commission of offence under Section 342,427,436 of IPC.

2. It is alleged by the applicant / accused that the informant and applicant / accused himself both were worked together at Kuwait, Dubai as a Driver. The applicant / accused made complaint of informant about his misbehavior with the employer therefore, he was removed

from the service. When applicant / accused was residing at gulf the informant used to give secretly drugs to him therefore, applicant / accused suffered mental disorder. The informant is having grudge in his mind therefore lodged false report against him. The report was lodged against the applicant / accused on mere suspicion. The applicant is permanent resident of Mumbai, there is no criminal antecedents at his discredit. He is ready to abide all the conditions imposed on him if released him on anticipatory bail. Therefore, prayed for protection from arrest in the above crime.

3. The prosecution filed reply vide Exh.2 and resisted the application by contending that informant and applicant are residing in a same locality. The witnesses also belongs to be same locality therefore if accused release on bail there is possibility of threatening prosecution witnesses. The prosecution further states that applicant is suffering from schizophrenia therefore, there is possibility of causing hurt or injury to himself or other person. The offence is serious in nature and accused has burn household articles of informant like washing machine, A.C., main entrance door. Therefore, to investigate the crime custodial interrogation of the accused is necessary. Hence prayed for rejection of the application.

4. Perused application, say filed by the prosecution. Heard both the advocates at length.

5. On going through the report it reveals that when informant alongwith his wife and children taking sleep at his house, at 3.30 a.m. He heard the shout of the people that his house is burning. The door of the informant's house was locked from the outside. Somehow informant

and his family members come out from the house with the help of neighborers fire was extinguished. So it shows that intention of the applicant / accused of pouring kerosene on the door, of the informant and set on fire his entire house. The accused has filed on record many documents mainly the medical papers to show that he is suffering from schizophrenia. The reply filed by the prosecution also shows that after the incident applicant / accused hurt himself by means of knife on his stomach. Now he is taking treatment in the Sion hospital.

6. Considering all the above aspects and seriousness of the crime in my opinion the kerosene can, match box are the important elements to be seized so also for further investigation custodial interrogation of the applicant is necessary and justified. It is also pertaining to note that applicant / accused and informant residing in the same locality. Therefore, if accused release on bail there is possibility of threatening the prosecution witnesses. The above ground became more important considering the fact that the applicant / accused to avoid the arrest hurt himself by means of knife on his stomach. Therefore, in my opinion applicant / accused is not entitled to release on anticipatory bail. Considering this I pass the following order :

ORDER

1. Anticipatory Bail Application. No.2793 of 2022 stands rejected.
2. Anticipatory Bail Application. No.2793 of 2022 is disposed off accordingly.



Date : 26/12/2022.

(**S.D. KULKARNI**)
Additional Sessions Judge,
Gr. Mumbai.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
28/12/2022	11.20 a.m.	J.S. Chavan
UPLOAD DATE	TIME	NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.)	H. H. Additional Sessions Judge Shri. S.D. Kulkarni, Court Room No. 30.
Date of Pronouncement of ORDER	26/12/2022
ORDER signed by P.O. on	26/12/2022
ORDER uploaded on	28/12/2022