

MHCC020174392022



IN THE COURT OF SESSIONS FOR GREATER BOMBAY AT MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 2850 OF 2022
(C.R.NO. 983 OF 2022)

1. Mr. Mahendra Narsi Purabiya

Aged about 30 Years, Occupation: Retired,

2. Smt. Kamla Narsi Purabiya

Aged about 55 Years, Occupation: Housewife,

3. Mr. Narsi Hira Purabiya

Aged about 63 Years, Occupation: Not mentioned,

4. Mr. Kalpesh Narsi Purabiya

Aged about 28 Years, Occupation: Service,

5. Smt. Mansi Kalpesh Purabiya

Aged about 22 Years, Occupation: Housewife,

6. Smt. Dimple Narsi Purabiya Alias

Mrs. Meenakshi Ravindra Waghela

Aged about 26 Years, Occupation: Housewife,

All are residing at Municipal Chawl,
Room No.146, 4th Floor, Shuklaji Street,
Mumbai Central, Mumbai 400 008.

..Applicants

Versus

The State of Maharashtra,

At the instance of Nagpada

Police Station vide C.R.No.983/2022.

..Respondent

Appearances :-

Ld. Adv. Mr. Sadanand Bansode for the Applicants.

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 : 9TH JANUARY, 2023.

ORDER

1. This is an application filed by the applicants under Section 438 of the Code of Criminal Procedure, 1973, praying for releasing them on anticipatory bail in connection with **C. R. No.983 of 2022** registered with **Nagpada** Police Station, Mumbai for the offence punishable under Sections **498(A), 323, 504 r/w 34** of the Indian Penal Code 1860.

2. The prosecution story in short is that, the complainant aged about 23 years lodged report to **Nagpada** police station *inter alia* contending that applicants in furtherance of their common intention used to ill-treat her physically and mentally. They used to beat her; threaten her and abuse her and demanded dowry amount of Rs.10 Lakhs from her parents. On these allegations, complainant lodged report and offence punishable under Sections 498(A), 323, 504 r/w 34 of the Indian Penal Code 1860 came to be registered against the applicants vide Crime No.**983 of 2022**.

3. The contention of applicants is that, the false case came to be registered against them and they are innocents and nothing to do with the alleged offence. They are having deep roots in the society and they have falsely implicated in this case. They are permanent residence of Mumbai. There is no criminal antecedent against them. There is not a single NC, complaint or FIR filed against them. They will abide by all

the terms and conditions of bail and they will co-operate with the police agencies as and when called or required. They are ready and willing to co-operate the investigation and willing to attend the police station as and when required. Lastly, they prayed to release them on anticipatory bail.

4. The prosecution has opposed the application by filing Say vide Exh-2 on the grounds that, if applicants are released on anticipatory bail, they will pressurize the prosecution witnesses and complainant and make hurdle in the investigation and will flee away from the Court of Justice. Hence, it prayed to reject the application.

5. Heard Learned Advocate for the applicants and Learned Adl. 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 applicants are entitled for anticipatory bail ?	Yes.
2.	What order ?	As per final order.

REASONS

Point No. 1 :-

7. On perusal of say of prosecution, it appears that the marriage of complainant with applicant No.1 Mahendra Narsi Purabiya is taken place on 11/10/2018 and FIR is lodged in 2022. There is huge

delay in lodging of FIR. It further appears that it is a matrimonial dispute between the complainant and present applicants on account of domestic reasons. The prosecution has not prayed for custodial interrogation of the applicants for any purpose. The apprehension of the prosecution is only that, if the applicants are released on anticipatory bail, they will not appear before the investigating agency and will pressurize the prosecution witnesses and complainant. They 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 applicants. The interim protection is already granted to the applicants. Hence, Point No. 1 is answered in the affirmative.

8. Therefore considering nature of offence and role played by applicants in the offence in question, I find it just and proper to release the applicants on anticipatory bail. Hence, I proceed to pass the following order.

ORDER

1. Anticipatory Bail Application No. **2850 of 2022** is allowed.
2. The interim protection granted vide order dated **28/12/2022** to Applicant No.1 **Mahendra Narsi Purabiya**, applicant No.2 **Smt. Kamla Narsi Purabiya**, applicant No.3 **Narsi Hira Purabiya**, applicant No.4 **Kalpesh Narsi Purabiya**, applicant No.5 **Smt. Mansi Kalpesh Purabiya** and applicant No.6 **Smt. Dimple Narsi Purabiya Alias Mrs. Meenakshi Ravindra Waghela** in connection with Crime No. **983 of 2022** registered with **Nagpada** Police Station, Mumbai for the offence punishable under Sections **498A, 323, 504 r/w 34** of the Indian Penal Code 1860 is hereby confirmed on the following conditions :-
 - a) Applicant No.1 **Mahendra Narsi Purabiya** shall attend concerned police station on every Saturday between 11.00 a.m. & 2.00 p.m. till filing of the charge-sheet and the remaining applicant No.2 **Smt. Kamla Narsi Purabiya**,

applicant No.3 **Narsi Hira Purabiya**, applicant No.4 **Kalpesh Narsi Purbiya**, applicant No.5 **Smt. Mansi Kalpesh Purabiya** and applicant No.6 **Smt. Dimple Narsi Purabiya Alias Mrs. Meenakshi Ravindra Waghela** shall attend concerned police station as and when called by the Investigating Officer.

- b) Applicants 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) Applicants shall not leave India without permission of the Court.
 - d) Applicants shall not commit similar type of offence in future.
 - e) Applicants shall furnish their permanent address and temporary address, if any, and their contact details to the concerned Court.
 - f) Applicants shall not change their residential address without prior intimation to the Investigation Officer and to the concerned Court.
 - g) If the applicants disobeyed any of the above condition, the prosecution is at liberty to move the Court for cancellation of anticipatory bail.
3. The Investigating Officer, **Nagpada** Police Station, Mumbai is directed to release the applicants on P.R. Bond of Rs. 15,000/- each with one solvent surety in like amount in the event of their arrest in the above said offence.
 4. Anticipatory Bail Application No.2850 of 2022 stands disposed of accordingly.



9/1/2023

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

Dictated on : 9/1/2023
Transcribed on : 9/1/2023
Checked & corrected on : 9/1/2023
Signed on : 9/1/2023
Sent to Dept on :

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
Upload Date	Upload Time	Name of Stenographer
9/1/2023	3.09 PM.	Mrs. Mrunal S. Pendkhalkar
Name of the Judge (With Court Room No.)		HHJ Mrs. Madhuri M. Deshpande (Court Room No. 41)
Date of Pronouncement of ORDER		9/1/2023
ORDER signed by P.O. on		9/1/2023
ORDER uploaded on		9/1/2023