

IN THE COURT OF SESSIONS FOR GR. BOMBAY AT MUMBAI

ANTICIPATORY BAIL APPLICATION NO. 2804 OF 2022

CNR NO.MHCC02-017156-2022

1. Narendra Govind Boricha

Age: 42 years. Occ: Service.
R/a: Railway Colony, Sable Nagar,
Patra Chawl, Nehru Nagar,
Mumbai-400 024.

2. Meena Narendra Boricha

Age: 40 years. Occ: Housewife.
R/a: Railway Colony, Sable Nagar,
Patra Chawl, Nehru Nagar,
Mumbai-400 024.

3. Chauhan Nanuben Bhanajibhai

Age: 73 years. Occ: Housewife.
R/a: 175, Juno Vankar Vas,
Near Tarvadi, Mhuva,
Mahuva (M), Bhavnagar,
Gujarat- 364 290.

... Applicants/accused.

Versus

State of Maharashtra
(At the instance of Nehru Nagar
Police Station.)

... Respondent.

Ld. Advocate Mr. Jadhwar for applicants/accused.

Ld.APP Mr. Ramesh Siroya for the State.

CORAM : HIS HONOUR THE ADDL.SESSIONS JUDGE

SHRI.M.S.KULKARNI (C.R.NO.56)

DATED : 11th January, 2023.

(DICTATED AND PRONOUNCED IN OPEN COURT)

ORAL ORDER

1. This is anticipatory bail application in respect of C.R.No. 526 of

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2022 registered with Nehru Nagar Police Station for the offence punishable under Section 452, 323, 504, 143, 147, 149 of Indian Penal Code

2. FIR in short discloses that brother of the first informant namely Kishor had taken loan of Rs 3 lakh from applicants/accused no.1, out of which as per the contention of first informant Mr. Kishor had repaid Rs2,50,000/- But the applicants/accused were insisting Mr. Kishor to repay the balance amount immediately and to the said transaction the first informant was the middleman. As per further allegation in the FIR on 10/10/2022 on 7.30 pm when the first informant alone was in the house the accused including applicants /accused committed criminal trespass in the house and then caused hurt to the first informant and other family members. It is further alleged that the accused has used abusive words against the first informant and her family members.

3. The applicants/accused asked for anticipatory bail on the grounds that;

- a. They have been falsely implicated.
- b. This FIR is counter blast to the FIR against the first informant and her family members. Further to evade the payment of Rs.6,10,000/-
- c. There is nothing to be recovered or discovered at their instance so their custodial interrogation is not required.
- d. They are ready to abide by the condition on the bail.

5. The prosecution has objected bail on the grounds that;

- a. The offence is are serious in nature;
- b. If the applicants/accused are granted bail they will interfere with investigation and flee from justice.

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6. I heard advocate Mr. Sushrut Jadhvar for applicants/accused, and Ld. APP Mr. Ramesh Siroya for the respondent/State at length.

7. From the FIR itself it is clear that the only Section 452 is non bailable. All other substantive offences are bailable. If the nature of allegations is seen custodial interrogation of applicant/accused is unwarranted. So they are entitled for Anticipatory Bail on the following grounds, hence order;

ORDER

1. Anticipatory Bail Application No.2804 of 2022 is allowed.

2. In the event of arrest of the applicants **Narendra Govind Boricha, Meena Narendra Boricha and Chauhan Nanuben Bhanajibhai** in Crime No.526 of 2022 registered with Nehru Nagar Police Station for the offences punishable under Sections 323, 452, 504, 143, 147, 149 of I.P.C. they shall be released on their executing personal recognizance for an amount of Rs.15,000/- each with one or two sureties in the like amount subject to the following conditions;

a) The applicants/accused are directed to report the Investigating Officer by visiting of Nehru police station on every Monday and Friday in between 10.00 a.m. to 11.00 a.m. or 7.00 p.m. to 8.00 p.m. whichever is suitable for them for 15 days and thereafter whenever will be called by Investigating Officer till filing of charge-sheet.

b) They shall co-operate the Investigating officer.

c) They shall not tamper with the evidence or influence the witnesses.

(M.S.Kulkarni)
Addl.Sessions Judge,
City Civil and Sessions Court,
For Greater Bombay

Date : 11.01.2023.

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Dictated on :11.01.2023.
Typed on : 13.01.2023.
draft checked on : 16.01.2023
Signed on : 17.01.2023

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

**UPLOAD DATE AND TIME : 17.01.2023 at 17.10 p.m.
NAME OF STENOGRAPHER : Mrs. Prajakta K. More**

NAME OF THE JUDGE	HHJ SHRI. M. S. Kulkarni (C.R.No.56)
Date of Pronouncement of Order	11.01.2023
Order signed by the PO. On	17.01.2023
Order uploaded on	17.01.2023