

ABA 2760/2022

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MHCC020169252022



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

**ANTICIPATORY BAIL APPLICATION NO.2760 OF 2022
IN
C.R.NO. 36 OF 2022**

Nikhil Sunil Danwale.

Age : 21 years Occ : Service

Residing : Satyavijay Chawl No. 85,

Bauddha Vikas Zopadpatti Sangh,

Opp. D.B.Pawar Chowk

Ghatkopar (East) Mumbai,

Maharashtra- 400075.

..Applicant/Accused

Vs.

State of Maharashtra,

(At the instance of Pant Nagar Police Station

in CR No. 36/2022)

...Respondent

**CORAM:HH THE ADDL.SESSIONS JUDGE
SMT.C.V.PATIL
(Court Room No.27)**

DATE : 20th January 2023

Adv. Mr. Nilesh for Applicant.

APP Mr. S.V.Keknis for State.

ORDER

1. The present application is filed by accused Nikhil Sunil Danwale under Section 438 of the Code of Criminal Procedure and requested Protection from Arrest. The applicant submitted that he is innocent and false FIR is registered by informant and his name is falsely

implicated. With this, the applicant requested for Protection from Arrest. Investigating Officer filed reply at Exh.2 in which he has taken objection for bail on 3-4 grounds. On perusal of those grounds, it appears that the present applicant do not have permanent resident and in these circumstances, if the accused is released on bail, then he would abscond, flee from trial and tamper the evidence. The acceptable ground as per prosecution is that Muddemal is yet to be recovered. The applicant has produced order in A.B.A. No. 1457/2022 in which it appears that accused Pranil Rajesh Tribhuvan is released on anticipatory bail from the same crime. Report disclosed that the present applicant alongwith others have assaulted informant. Thereafter, the informant had been in the hospital. At the time of giving report, the informant has given names of 5-6 persons who have assaulted him but the report does not disclosed specific role of accused who have hit with paver block on the head of informant. The co-accused is already released on bail. Considering reasons and vague statements of informant, no purpose would serve by giving accused in the custody of Investigating Officer. Accordingly following order is passed.

ORDER

1. Anticipatory Bail Application No. **2760 of 2022** is allowed.
2. In the event of arrest, the applicant **Nikhil Sunil Danwale** be released on bail on executing PR bond of Rs.20,000/- (Rupees Twenty Thousand) with one or more sureties of like amount.
3. The applicant shall not leave India without prior permission of trial Court.
4. The applicant to furnish his ID proof, registered address, phone number before Trial Court/I.O.

5. The applicant is directed to co-operate for investigation and to attend the police station once in a week on every Monday in between 10.00 a.m. to 12.00 noon.
6. The applicant shall not tamper prosecution evidence in any manner.
7. Breach of any conditions by the applicant shall result in cancellation of bail.
8. Thus, Anticipatory Bail Application No. 2760 of 2022 stands disposed of.

(Smt.C.V.Patil)
Addl.Sessions Judge,
City Civil & Sessions Court,
Gr. Mumbai

20.01.2023

Date of Dictation : 20.01.2023
Date of Transcription : 21.01.2023
Date of signature : 25.01.2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”		
Upload Date	Upload Time	Name of Stenographer
25.01.2023	12.00 p.m.	Mrs. Poonam Y. Pawar
Name of the Judge (With Court Room No.)	HHJ Smt. C.V.Patil (CR 27)	
Date of Pronouncement of JUDGEMENT /ORDER	20.01.2023	
JUDGEMENT /ORDER signed by P.O. on	25.01.2023	
JUDGEMENT /ORDER uploaded on	25.01.2023	