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MHCC020168622022



**IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 2753 OF 2022**

1. Rashida Haji Mohd. Zubair Memon ]  
Age : 59 years, Occ.: Housewife, ]

2. Amara Mohd. Tabrej Memon ]  
Age : 39 years, Occ.: Housewife, ]

Both R/at : 39, Ansari Manzil, Room No.57/58, ]  
3<sup>rd</sup> Floor, Banian Street, Near Saifee School ]  
Pydhonie, Mandvi, Mumbai – 400 003. ]...Applicants/accused

**Vs.**

The State of Maharashtra ]  
(Through Pydhonie Police Station) ] Respondent

**Appearances :-**

Mr. Dhaval Sangoi, Ld. Advocate for the Applicant.  
Ms. Ratnavali Patil, Ld. SPP for the Respondent/State.

**CORAM : H. H. THE ADDL. SESSIONS JUDGE,  
SHRI A.A. KULKARNI (C.R. NO.24)**

**DATED : 17<sup>TH</sup> DECEMBER, 2022**

**( O R A L O R D E R )**

***(Dictated and pronounced in the open Court)***

This is an application under Section 438 of Cr. P.C. for anticipatory bail. Heard Ld. Advocate for applicants and Ld. APP for the State. Perused the application, say and documents on record.

2. Ld. Advocate for the applicant submitted that on the basis

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of information of informant, Pydhonie police registered crime No.921/2022 for the offence punishable under Sections 326, 324, 323, 504, 34 of IPC against applicants and other accused. As per the allegations in FIR, applicants assaulted by fist blows and abused informant. Therefore, prima facie no offence is made out against applicants under Section 326 of IPC. There is no need of custodial interrogation and recovery of any weapon at the instance of applicants. Applicants are ladies. If they are arrested, they will suffer unnecessary harassment. Hence, prayed for grant of anticipatory bail in the event of their arrest.

3. Ld. APP and investigating officer filed say Exh.2 and opposed the application. It is their contention that in the incident informant sustain fracture to his left hand. Detail investigation is required. Applicants are informant are residing in same area, therefore, repetition of crime cannot be denied. Hence, prayed for rejection of application.

4. In view of submissions of both sides and on perusal of allegation in FIR, accused Tabrez assaulted informant by bamboo and therefore, he sustained injury to his left hand. Role of present applicants is stated that they have assaulted by fist blows and abused informant. Therefore, in such circumstances, there is no need of custodial interrogation of applicants. For the purpose of investigation, applicants may be directed to appear before investigating officer. With such condition, application may be allowed. Hence, I passed the following order :-

**ORDER**

1. Anticipatory Bail Application No.2753 of 2022 is allowed.

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2. In the event of arrest in Crime No.971/2022 registered with Pydhonie Police Station, the applicants No.1 Rashida haji Mohd. Zubair Memon and No.2 Amara Mohd. Tabrej Memon be released on bail on execution of P.R. bond of Rs.15,000/- with one surety each in the like amount on following conditions :-
  - a) Applicants shall attend Pydhonie Police Station on written notice of investigating officer and co-operate him in investigation.
  - 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 him from disclosing such facts to the Court or to any Police Officer.
  - c) Applicants shall not leave India without previous permission of the Court.
3. Anticipatory Bail Application No. 2753 of 2022 is disposed of accordingly.



Date : 17.12.2022

**[A.A. KULKARNI]**  
**ADDITIONAL SESSIONS JUDGE**  
**GREATER MUMBAI**

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<b>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</b>		
<b>Upload Date</b>	<b>Upload Time</b>	<b>Name of Stenographer</b>
<b>20.12.2022</b>	<b>5.00 p.m.</b>	<b>PRAJWALA V. PHODKAR</b>
<b>Name of the Judge (With Court Room No.)</b>	<b>HHJ SHRI. A.A. KULKARNI (CR 24)</b>	
<b>Date of Pronouncement of JUDGMENT /ORDER</b>	<b>17.12.2022</b>	
<b>JUDGMENT /ORDER signed by P.O. on</b>	<b>20.12.2022</b>	
<b>JUDGMENT /ORDER uploaded on</b>	<b>20.12.2022</b>	