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IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI

ANTICIPATORY BAIL APPLICATION NO. 2759 OF 2022

Sanjay Annasaheb Ingale
Age : 55 years, Occ.: Business
R/at : 58, Pulachi Wadi,
Deccan Gymkhana,
Pune – 411 004. ...Applicant

Vs.

State of Maharashtra
Gaodevi Police Station ...Respondent/State

Appearance :-

Adv. Kadam with Adv. Walawalkar, Advocates for the applicant.

Smt. Ratnawali Patil, APP for the Respondent.

Adv. Bane for Intervenor.

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

DATED : 3rd January, 2023

(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 applicant and Ld. APP for the respondent. Perused the application, say and documents on record.

2. Ld. Advocate for the applicant submitted that on the basis of information of informant Pradeep Vitthal Ingale, Gaodevi Police Station, Mumbai registered Crime No. 488/2022 dtd. 4.12.2022 for the offence punishable u/sec. 143, 145, 147, 149, 323, 341, 427 and 504 of IPC against applicant and others. It is further contention that police issued notice to applicant as per section 41(1)(a) of Cr.P.C. Therefore,

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applicant is having apprehension of his arrest. It is further contention that Civil dispute is pending between applicant and informant and for the purpose of taking possession of property in dispute, informant is using police machinery. Hence false complaint is filed against applicant and others. Applicant will suffer unnecessary harassment. Hence prayed for grant of bail in the event of his arrest.

3. Ld. APP and Investigating Officer opposed application. It is their contention that no anticipatory bail be granted to the applicant. There is no possibility of co-operation from the applicant during investigation. Applicant may tamper evidence of prosecution. Hence prayed for rejection of application.

4. Original informant appeared and opposed the application. It is his contention that police have intentionally not arrested the applicant. Applicant and others have attempted to demolish shop of the informant. Applicant is not having fear of law. If applicant is released on bail, there is danger in life of informant. Hence prayed for rejection of application.

5. In view of submissions of both sides and on perusal of documents on record, it is clear that there is a Civil dispute between parties pending before Court and out of which alleged incident occurred. In view of allegations there is no need of custodial interrogation of applicant, as there is no need of any recovery at the instance of applicant. Investigating Officer present before Court made submission that he has issued notice and directed applicant to remain present as and when he will be called by police. In view of such submissions and on perusal of notice, notice appears to be vague and issued under section 41(1)(a) of Cr.P.C. Investigating Officer further submitted that

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he is not intending to arrest applicant immediately. In such circumstances, I do not find any apprehension of arrest as stated by applicant. Hence applicant is not entitled for anticipatory bail as claimed. Hence, I passed the following order :-

ORDER

Anticipatory Bail Application No.2759 of 2022 is rejected and disposed of accordingly.

Date : 03.01.2023

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

Dictated on : 03.01.2023
Transcribed on : 04.01.2023
HHJ signed on : 04.01.2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”		
Upload Date	Upload Time	Name of Stenographer
04.01.2023	4.00 p.m.	Mrs. S. W. Tuscano
Name of the Judge (With Court Room No.)	HHJ SHRI. A.A. KULKARNI (CR 24)	
Date of Pronouncement of JUDGMENT /ORDER	03.01.2023	
JUDGMENT /ORDER signed by P.O. on	04.01.2023	
JUDGMENT /ORDER uploaded on	04.01.2023	