

MHCC020170202022



**IN THE COURT OF SESSIONS FOR GREATER MUMBAI**  
**ANTICIPATORY BAIL APPLICATION NO. 2776 OF 2022**  
**(C.R.NO.311/2022)**

**1. Mrs. Seema Ramesh Shinde**

Age 59 Years, Occupation: Housewife,  
Residing at room No.28/2/2,  
Manur Wadi, Korba Mithagar,  
Barkat Ali Darga Marg,  
Near Krishna Mandir,  
Wadala (E), Mumbai 400 037.

**2. Mrs. Shobha Vasant Dongre**

Age 60 Years, Occupation: Housewife,  
Residing at Room situated at  
Manur Wadi, Korba Mithagar,  
Barkat Ali Darga Marg,  
Near Krishna Mandir,  
Wadala (E), Mumbai 400 037.

**3. Mrs. Simran Amin Mirza @ Swati**

Age 37 Years, Occupation: Housewife,  
Residing at room No.28/2/2,  
Manur Wadi, Korba Mithagar,  
Barkat Ali Darga Marg,  
Near Krishna Mandir,  
Wadala (E), Mumbai 400 037.

**4. Mrs. Priya Anil Gaud**

Age 35 Years, Occupation: Housewife,  
Residing at 637, Malviya Nagar,  
Allahabad City, Allahabad,  
Uttar Pradesh 211003.

**5. Mr. Sandesh Vasant Dongre**

Age 43 Years, Occupation: Not mentioned,  
Residing at room No.28/2/2,  
Manur Wadi, Korba Mithagar,  
Barkat Ali Darga Marg,  
Near Krishna Mandir,  
Wadala (E), Mumbai 400 037.

**6. Mrs.Sulochana Ashok Kamble**

Aged 37 Years, Occupation: Housewife,  
Residing at Room No. situated at  
Jagruti Chawl -2, Ashok Nagar, Hill-3,  
Netaji Palkar Marg, Behind Home Guard,  
Ghatkopar (W), Mumbai 400 086.

**..Applicants****Versus****1. The State of Maharashtra,****2. The Sr. Inspector of Police,**

Wadala Police Station,  
Wadala, Mumbai 400 037.

**..Respondents****Appearances :-**

Ld. Adv. Mr. Athar Pavaskar 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 : 21ST DECEMBER, 2022.**

**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.311 of 2022** registered with **Wadala** 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 Seema Rupesh Shinde lodged report to the Police Station **Wadala**, Mumbai *inter-alia* contending that accused persons in furtherance of their common intention used to ill-treat her physically and mentally. They used to beat her; threaten her and abuse her. On these allegations, she 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. **311 of 2022**.

3. The contention of applicants is that, they are peace loving persons and they never harassed the complainant because they residing separately with their families at different places in their respective homes. They and their other family members not subjected the complainant to cruelty nor acted with her which will amount to their willful conduct leading to cruelty, torture, harassment. They are implicated falsely by making a vague allegation of assault and abuse, in reality they never interfered in the life of the complainant and her husband. There is no any specific allegation made against them and no time, date and occasion has been mentioned by the complainant against any particular applicant in the entire FIR. They do not have any concern or connection with the vague allegations made by the complainant, in her FIR their names have been taken purposely so that these people are harassed in the procedure. They are poor by nature and financially they are happy family and not indulged in harassing the complainant. There is a delay of 18 years in lodging of the said FIR. They are permanent residents of Mumbai, hence they will not abscond and they will abide by

any terms and conditions imposed by this Court, while granting Anticipatory Bail. No custodial interrogation is required in the said case. They are ready and willing to co-operate with the Investigating Agency as and when required. Lastly, they prayed to release them on anticipatory bail.

4. The prosecution has opposed the application by filling Say vide Exh.2 on the grounds that, investigation is in progress and charge-sheet is yet to be filed. If they are released on anticipatory bail, they will pressurize the prosecution witnesses and complainant and also 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, Learned Addl. 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 :-

| <b>Sr. No.</b> | <b><u>POINTS</u></b>  | <b><u>FINDINGS</u></b> |
|----------------|---|------------------------|
| 1.             | Whether the applicants are entitled for anticipatory bail ? | Yes.                   |
| 2.             | What order ?  | As per final order.    |

### **REASONS**

**As to Point No. 1 :-**

7. On perusal of contents of FIR, it appears that the marriage of complainant with the accused Rupesh is taken place on 19/10/2005

and FIR is lodged on 9/12/2022. 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. Hence, Point No. 1 is answered in the affirmative.

8. Considering these facts and circumstances of the present offence, I am of the view that, it will be just and proper to allow this application and to release the applicants on anticipatory bail by imposing some stringent conditions. Hence, the following order :-

#### **ORDER**

1. Anticipatory Bail Application No.2776 of 2022 is hereby allowed.
2. The applicant no. 1 **Mrs. Seema Ramesh Shinde**, applicant no.2 **Mrs. Shobha Vasant Dongre**, applicant no.3 **Mrs. Simran Amin Mirza @ Swati**, applicant no.4 **Mrs. Priya Anil Gaud**, applicant no.5 **Sandesh Vasant Dongre** and applicant No.6 **Mrs.Sulochana Ashok Kamble** be released on anticipatory bail in the event of their arrest in connection with Crime No. **311 of 2021** registered with **Wadala** Police Station, Mumbai under Sections **498(A), 323, 504 r/w 34 of the Indian Penal Code, 1860** on the following conditions :-
  - a) Applicants 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, **Wadala** Police Station, Mumbai is directed to release the applicants on PR. 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. **2776 of 2022** stands disposed of accordingly.



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

21/12/2022

Directly typed on : 21/12/2022  
Checked & corrected on : 21/12/2022  
Signed on : 21/12/2022  
Sent to Dept on :

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| <b>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”</b> |  |                                   |
| <b>Upload Date</b>   | <b>Upload Time</b>                           | <b>Name of Stenographer</b>       |
| <b>21/12/2022</b>  | <b>2.51 PM.</b>                              | <b>Mrs. Mrunal S. Pendkhalkar</b> |
| <b>Name of the Judge (With Court Room No.)</b>                               | <b>HHJ Mrs. Madhuri M. Deshpande (CR 41)</b> |                                   |
| <b>Date of Pronouncement of ORDER</b>  | <b>21/12/2022</b>                            |                                   |
| <b>ORDER signed by P.O. on</b>   | <b>21/12/2022</b>                            |                                   |
| <b>ORDER uploaded on</b>   | <b>21/12/2022</b>                            |                                   |