

MHCC050061302022



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO.1838 OF 2022  
(CNR No.MHCC05-006130-2022)**

**Mr. Sakharam Shankar Gurav** ]  
Aged: 61 years, ]  
Occupation : Servie, ]  
Indian inhabitant, residing at Hariom Chawl, ]  
Indira Nagar, MHB Colony, Jogeshwari East, ]  
Mumbai – 400 060. ] ...Applicant

Versus

State of Maharashtra, ]  
At the instance of Powai Police Station, in ]  
relation to C.R. No.1050/2022 u/s. 380 of ]  
I.P.C. ] ...Respondent

Ld. Adv Sandhya Dhiwar for applicant.  
Ld.APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,  
Additional Sessions Judge,  
Court Room No.10.**

**Date : 21<sup>st</sup> November, 2022**

**ORAL ORDER**

1. This is an application filed by the applicant for anticipatory bail under Section 438 of Cr. P.C. 1973.

Brief facts of the prosecution case are as under :

2. It is alleged by the complainant-Maheshwari Mangesh Ahir that on 26.10.2022 in between 10.30 a.m. to 4.00 p.m. offence of theft had taken place in her house. It is alleged that on that day, some unknown person has stolen ornaments worth Rs.1,81,350/-. Therefore, she approached Powai Police Station and lodged report against unknown person.

3. Advocate for the applicant submitted that the applicant is innocent and has not committed any offence. There is apprehension of arrest, therefore, he filed this application. The applicant is ready to abide by any terms and conditions, imposed by this court and lastly, prayed for releasing him on anticipatory bail.

3. Learned APP submitted that during investigation, in the statement of complainant, she stated that the applicant is a suspected person, but yet not it is found that there is any participation or role of the applicant in the present crime. The name of the applicant yet not registered in the alleged crime. Hence, submitted for passing appropriate order.

4. From the above application and say of the learned APP, it appears that till date, the name of applicant not inserted in Crime No.1050/2022. The applicant has an apprehension regarding his arrest at the hands of Powai Police Station in non bailable offence. Considering his apprehension regarding his arrest at the hands of Powai Police Station, it would be appropriate to issue directions to the

respondent/State that they shall give at least 72 hours notice to the applicant before taking any coercive steps in non bailable offence. Hence, following order.

**ORDER**

1. In the event of any crime being registered or name of the applicant mentioned in alleged Crime No.1050/2022 for non bailable offence on the report of complainant, namely, Maheshwari Mangesh Ahir, the respondent shall give at least 72 hours notice to the applicant before taking any coercive steps.
2. Inform to Powai Police Station.
3. Anticipatory Bail Application No.1838/2022 stands disposed of.

Dt. 21.11.2022

**(M.I. LOKWANI)**  
Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Directed by HHJ : 21.11.2022  
Transcribed on : 21.11.2022  
Checked & Signed by HHJ on : 21.11.2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 24.11.2022 AT 3.15 P.M. NAME OF STENOGRAPHER ATUL S. BHOGTE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	21/11/2022
JUDGEMENT/ORDER signed by P.O. on	21/11/2022
JUDGEMENT/ORDER uploaded on	24/11/2022