



IN THE COURT OF SESSIONS AT GREATER BOMBAY

**ANTICIPATORY BAIL APPLICATION NO. 2764 OF 2022
(CNR NO. MHCC02-016952-2022)**

Amardip Prem Narayan Pathak) ... Applicant

Versus

The State of Maharashtra)
(Through Mulund Police Station)) ... Respondent

Ld. Adv. Mithilesh Mishra for the Applicant.

Ld. APP. Geeta Sharma for State / Respondent.

**CORAM : HER HONOUR THE ADDITIONAL SESSIONS
JUDGE SMT. A. B. SHARMA (C.R. NO. 39)
DATED : 24.02.2023.**

ORDER

The Applicant has moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 826 of 2021 for the offences punishable under Sections 354-D, 500 and 506 (II) of the Indian Penal Code registered at Mulund Police Station, Mumbai.

2. Read application and Say (Exh. 2) of investigating officer filed through learned Additional Public Prosecutor. Perused the case diary, documents annexed with the application.

3. Heard Learned Advocate for the applicant, Learned

Additional Public Prosecutor and the informant / victim.

4. The victim is neighbour of the applicant. They got acquainted with each other and their acquaintance converted into love affair. But, the applicant used to cast doubt on the victim, therefore, the victim stopped talking with the applicant and also not receiving his phone call. However, the applicant used to trouble her by making phone call. On 18.06.2021, on the count of not keeping relation with him, he picked up quarrel with the victim and he has taken her mobile phone. After lodging of report, he has returned her mobile phone after 4-5 days. It is further alleged that the applicant circulated his photographs alongwith the victim to her relatives and pressurizing her to keep relation with him. When the victim refused to keep relation with him, he threatened to kill her. It is also alleged that since last two months, the applicant is regularly stalking the victim and also threatened her to make viral her photographs alongwith him to her relatives and also on Facebook. Therefore, she lodged report against the applicant.

5. It is seen that the present offence is outcome of dispute arising between the applicant and the victim. It is further seen that except Section 506(II) of I.P.C., other Sections are bailable in nature. The case diary indicates that the material investigation in respect of the applicant is almost completed. The offence is not punishable with death or imprisonment for life. The prosecution has nowhere demonstrated that the applicant after getting ad-interim protection has misused his liberty. It is further seen that the applicant has already joined the investigation. Considering the facts and circumstances of the case, I do not find that the custodial interrogation of the applicant is required.

ABA 2764-2022

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Hence, I proceed to pass following order :-

ORDER

1. The Anticipatory Bail Application No. 2764 of 2022 is hereby allowed.
2. The ad-interim protection already granted to the applicant on 19/12/2022 is hereby made absolute on the following modified conditions :-
 - a. The applicant shall not leave India without prior permission of the Court.
 - b. The applicant shall submit the proof of his residential address, phone number, Aadhar Card and Election Card, if any.
 - c. The applicant is directed to co-operate during course of investigation within 3 days from the date of this order and also to attend the police station as and when called by the Investigating officer.
 - d. The applicant is further directed not to tamper with the prosecution witnesses in any manner.
3. The Anticipatory Bail Application stands disposed off.



(A. B. SHARMA)
Additional Sessions Judge
City Civil & Sessions Court
Greater Bombay.

Date :- 24.02.2023.

Dictation Typed on : 24.02.2023.

Checked & Signed on : 16.03.2023.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

16.03.2023 at 4.35 pm
UPLOAD DATE AND TIME

(Y.M. SAKHARKAR)
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SMT. A. B. SHARMA (C.R. NO. 39)
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Date of Pronouncement of JUDGMENT/ ORDER	24.02.2023
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JUDGMENT/ORDER signed by P.O. on	16.03.2023
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JUDGMENT/ORDER uploaded on	16.03.2023
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