



IN THE COURT OF SESSIONS AT GREATER BOMBAY

**ANTICIPATORY BAIL APPLICATION NO. 2797 OF 2022
(CNR NO. MHCC02-017115-2022)**

Mr. Mohammed Abdul Salam @ Sijju) ... Applicant

Versus

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

Ld. Adv. Vijay Kanthe and Kushwaha 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 : 28.02.2023.**

ORDER

The Applicant has moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 637 of 2022 for the offences punishable under Sections 354, 323, and 504 of the Indian Penal Code registered at Trombay 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 and the Learned Additional Public Prosecutor.

4. On 17.12.2022, at about 00.15 hours, when the victim was on duty at Jupiter Hospital and examining the patient, at that time, the applicant created nuisance and abused the staff. When the victim asked him the reason of his abusing, he informed that he is father of Shoheb and Shoheb is admitted in the hospital. He also told that he wants to get clean the room of Shoheb. The victim told him that the room is already clean and also asked him to keep quiet. Upon which, he abused the victim and beaten her. It is also alleged that the applicant pulled dupatta of victim and kicked on her stomach and thereby outraged her modesty. Therefore, the victim lodged report against the applicant.

5. 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. Hence, I proceed to pass following order :-

ORDER

1. The Anticipatory Bail Application No. 2797 of 2022 is hereby allowed.
2. The ad-interim protection already granted to the applicant on 21/12/2022 is hereby made absolute on the following modified conditions :-
 - a. The applicant shall not leave India without prior permission of the Court.

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: 3 :

- 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 :- 28.02.2023.

Dictation Typed on : 28.02.2023.

Checked & Signed on : 20.03.2023.

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

20.03.2023 at 3.00 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	28.02.2023
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JUDGMENT/ORDER signed by P.O. on	20.03.2023
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JUDGMENT/ORDER uploaded on	20.03.2023
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