

IN THE COURT OF SESSIONS FOR GR.MUMBAI AT DINDOSHI
BORIVALI DIVISION, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.695/ 2018

(C.R.NO.333/2018 KURAR POLICE STATION)

1. Anwar Peer Sayyed
2. Ansari Altaf Shaukat
3. Ashraf Azgar Sayyed
.... Applicants.

V/s.

**The State of Maharashtra
(through Kurar police Station) Respondent.**

Advocate Mr.TR Patel for applicant.

APP Mr.Salunke for State.

**CORAM : His Honour Judge
Shri.A.T.Wankhede
(C.R. No.14)**

Date :14th June 2018.

-ORDER-

1 Present application is filed by applicant for grant of anticipatory
bail u/s 438 of Code of Criminal Procedure, in connection with
C.R.No.333/2018, under Section 394, 504, 506(2), 34 of IPC r/w 3,25
of Indian Arms Act r/w 37(1) r/w 135 of the Maharashtra Police Act.

2. In short it is contended by applicant that the report is lodged to counterblast the report given by applicants/accused, one Shivanand Shetty and others on 16.5.18. It is contended that in fact assault was made on applicants/accused on 16.5.18 . No incident as alleged in the present report occurred. It is false to say that applicants robbed Rs.10,000/-. The report is politically motivated. Applicants are falsely implicated in the offence. Their custodial interrogation is not

necessary. No purpose will be served by keeping them in custody. Hence, prayed for anticiptory bail.

3. The learned APP opposed the application on the ground that applicant assaulted informant by fist and kicks, also by sharp edged weapon and pointed gun on him. Applicants also robbed an amount of Rs.10,000/- from informant. The dispute arose out of business rivalry. Custody of applicant is necessary for the purpose of investigation. If applicant is released on bail, they will tamper with the prosecution witnesses. Hence, prays to reject the application.

4. Heard learned counsel for applicant and APP. Perused police papers.

5. The report is specifically lodged about the incident dated 1.6.2018. Specific allegations are made against applicant/accused Anwar that he gave slap to the informant whereas applicant Ausab Siddiqui assaulted the informant by weapon Sattur on his back. It is alleged that applicant/accused Altaf pointed gun on the ear of informant and snatched the amount of Rs.10,000/-. Applicant also gave threat to informant not to enter into Filmcity premises. The injury report shows incised wound on the back of informant. The incident is also witnesses by one Mofid Ahmed who also stated about involvement of the accused in the offence. No doubt, there was previous report lodged by one of applicant/accused Anwar against Shiva Shetty and others on 16.5.18, but this incident is occurred on 1.6.18. Prima facie there is reason to believe that applicant has committed offence. The weapon Sattur, country pistol and amount of Rs.10,000/- are to be recovered. There appears business rivalry, so

possibility of reoccurrence of incidence also can not be ruled out. Considering the nature and gravity of offence, custody of applicant is found to be necessary for the purpose of investigation. In such circumstances, no prima facie case is made out by applicant for grant of anticipatory bail. Hence, the order.

ORDER

1. Anticipatory bail application no.695/2018 is rejected and disposed of accordingly.

14/06/2018

(A. T. Wankhede)
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai

Dictated on : 14/06/2018
Transcribed on : 14/06/2018
Signed by HHJ on : 14/06/2018

“CERTIFIED TO BE TRUE AND CORRECT COPY OF the ORIGINAL
SIGNED JUDGEMENT/ORDER.”

Uploaded on:05/07/2018 at:12.20 pm S.G.Steno:Mrs.C.S.Sonawane

Name of the Judge (with Court room no.)	HHJ Shri A.T.Wankhede Court Room no.14
Date of pronouncement of judgment/order:	14/06/2018
Judgment/order signed by P.O. on	14/06/2018
Judgment/order uploaded on	05/07/2018

ABA 695/18

4

ORDER