

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

**ANTICIPATORY BAIL APPLICATION NO.849/2018**

**(CNR NO.MHCC05-003063-2018)**

Sultan Sardar ... Applicant.

V/s.

The State of Maharashtra  
(through Kandivali police Station) .... Respondent.

Advocate Mr.Santosh I.Saroj for applicant.

APP Mr.Salunke for State.

CORAM : HIS HONOUR JUDGE  
SHRI A.T.WANKHEDE  
(C.R. No.14)

Date : 25<sup>th</sup> July 2018.

**-ORDER-**

1 This application is filed by applicant/accused for grant of anticipatory bail, in connection with C.R.No.304/18 registered with Kandivali police station for offences punishable u/s 143, 144, 147, 148, 149, 307, 506(2) of IPC with Section 37(1)(A) with 135 of Maharashtra Police Act.

2. In short, it is submitted by applicant/accused that, he had no criminal past. He is falsely implicated in the offence. FIR is silent about the role played by applicant in the offence. No specific allegations are made in the FIR against applicant/accused. Nothing is to be recovered from applicant/accused. There are cross complaints. Hence, prayed for grant of bail. One of the accused Ali who has played similar role as of applicant/accused has been granted bail. His custody is not required for the purpose of investigation. Hence, prayed for

grant of bail.

3. The learned APP opposed the application on the ground that applicant/accused is involved in the offence. He was a member of unlawful assembly and was holding weapon in his hand. The injured sustained grievous injuries. Offence is of serious nature. Applicant is having criminal past. He is having terror in the locality. If he is granted bail, he will tamper with the prosecution witnesses and create hurdle in the investigation. Hence, urge to reject the application.

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

5. Apparently there are cross complaints. It reveals from contents of report that the incident occurred on account of damaging the banner of Ramzan-Id. In the report and statements of witnesses, name of applicant/accused is specifically mentioned. It is clearly alleged that applicant/accused was the member of unlawful assembly and assailants were holding weapons such as sword, sickle, bamboo, iron rod. No doubt, the allegations of causing injury to injured Shamim is against accused Ibrahim, but from the statement of the injured Shamim, applicant was holding sword in his hand. Specific allegations are made against applicant/accused that he was giving threats by brandishing sword. Offence is of serious nature. The weapon sword is to be recovered. From the say of prosecution, it reveals that there are 3 offences registered against applicant/accused which shows that he is having criminal past. The investigation is in progress. Looking to the involvement of applicant/accused in the offence, his custody for the purpose of investigation appears to be necessary. No prima facie case

made out by applicant/accused for grant of pre-arrest bail. Hence, the order.

## ORDER

1. ABA No.849/18 is hereby rejected and disposed of accordingly.

25/07/2018

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

Dictated on : 25/07/2018  
Transcribed on : 30/07/2018  
Signed by HHJ on : 30/07/2018

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

Uploaded on:30/07/2018 at:6.00 pm S.G.Steno:Mrs.C.S.Sonawane

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|------------------------------------------|-------------------------------------------|
| Name of the Judge (with Court room no.)  | HHJ Shri A.T.Wankhede<br>Court Room no.14 |
| Date of pronouncement of judgment/order: | 25/07/2018                                |
| Judgment/order signed by P.O. on         | 30/07/2018                                |
| Judgment/order uploaded on               | 30/07/2018                                |



