

ABA 848/2021

1

MHCC050031012021



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 848 OF 2021
IN
(C. R. No. 956 of 2021 of Malvani Police Station)**

Mr. Ganeshram Umanath Nayak

Age: 43 yrs., Occ: Business,
Residing at 2704, Auris Serenety Tower 1,
New Link Road Orlem, Dmonte Lane,
Malad (West), Mumbai-400064.

..Applicant

V/s

**The State of Maharashtra (Through
Malvani Police Station)**

..Respondent

Ld. Adv. Mr. Shashikant Chaudhari, for the applicant.
Ld. APP Mrs. Usha Jadhav, for the State.

**CORAM : SHRI L.S. CHAVAN,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.10.**

DATE : 23rd June, 2021

ORAL ORDER

This is an application filed by the applicant under Section 438 of the Code of Criminal Procedure 1973, for granting anticipatory bail in connection with Crime No.956/2021 registered with Malvani Police Station for the offence punishable under Sections 341, 506(2) r/w 34 of the Indian Penal Code.

2. The factual matrix of the prosecution case is that, on 13.06.2021 at about 12:30 am., the complainant after taking the dinner had gone to walk at outside of the home. At that time, at Gate no. 2 near the Masjid, four unknown persons threatened him by contending that, whatever post has been posted on the Facebook against the NGO delete it and if not to do so then it would be very difficult to him. Out of them, two persons by putting some object covered with cloths on his back threatened him to delete the post which is posted against the NGO from the facebook account. Thereafter, the applicant threatened to kill him on phone, if he post against the NGO. Therefore the complainant lodged the report against the applicant and others to Malvani Police Station. On the report of complainant, Crime No. 956/2021 came to be registered against them for the offence punishable under Sections 341, 506(2) r/w 34 of the Indian Penal Code.

3. The learned advocate for the applicant argued that, the applicant is innocent person. He has been falsely implicated in the abovesaid crime by the complainant. No specific role has been assigned by him. Nothing is to be recovered from him. Therefore, his custodial interrogation is unwarranted. Hence, requested for granting anticipatory bail to him.

4. Per contra, the learned APP for the respondent strongly opposed for granting anticipatory bail contending that, the applicant and co-accused have committed serious offence as mentioned in the FIR. If, the applicant is released on anticipatory bail then there is possibility to pressurize the complainant and witnesses. Hence, requested for rejecting the application.

5. In view of the rival submission of both the sides and on perusal of FIR, it is seen that the applicant is involved in Crime No. 956/2021, registered with Malvani Police Station for the offence punishable under Sections 341, 506(2) r/w 34 of the Indian Penal Code. Considering the nature of allegation against the applicant, nothing is to be recovered from him. His custodial interrogation is unwarranted. Therefore, it would be proper to release him on pre-arrest bail. The apprehension of the prosecution is that, the applicant will pressurize the complainant and witnesses. But, the said care can be taken by imposing appropriate condition. Hence, I pass following order.

ORDER

1. Anticipatory Bail Application No. 848 of 2021 is hereby allowed.
2. In the event of arrest of the applicant namely **Mr. Ganeshram Umanath Nayak**, be released on bail on executing P.R. Bond of Rs. 15,000/- (Fifteen Thousand only) with one or two sureties of like sum in connection with Crime No. 956/2021 registered with Malvani Police Station for the offence punishable under Sections 341, 506(2) r/w 34 of the Indian Penal Code on following conditions-
 - i) He shall attend the Malvani Police Station on every Sunday from 10.00 am to 01.00 pm till filing of charge-sheet.
 - ii) He shall not pressurize the complainant and witnesses.
 - iii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such a fact to the court or to

any police officer.

- iv) He is directed to furnish his proper local & native address and his contact numbers to the Malvani Police Station.

- v) Inform to the Malvani Police Station.

3. Anticipatory Bail Application No.848 of 2021 stands disposed of accordingly.

Sd/-

(L.S. CHAVAN)

Dt. 23/06/2021

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictation given directly on computer on : 23/06/2021

Checked & Signed by HHJ on : 23/06/2021

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
24/06/2021 at 04.30 pm.	
UPLOAD DATE AND TIME	NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Shri L.S. Chavan, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	23/06/2021
JUDGEMENT/ORDER signed by P.O. on	23/06/2021
JUDGEMENT/ORDER uploaded on	24/06/2021