

ABA 1735/2021

::1::

MHCC050062502021



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 1735 OF 2021
(C.R.NO.781/2021)**

1. Mr. Jaideep Sivadas Nair,
Age 34 years, Indian Inhabitant,
Occ.: Service,
Residing at B 602, Sagar Residency,
Sector-27, Nerul, Navi Mumbai 400 706

2. Mrs. Prasana Sivadas Nair,
Age 62 years, Indian Inhabitant,
Occ.: Housewife,
Residing at 255/A, Deepsons Kurianad,
Marangattupally, Kottayam,
Kerala 686633

...Applicants/Accused

V/s.

The State of Maharashtra
Through Kurar Police Station,
C.R.No.781/2021

....Respondent

Ld. Advocate Pooja Agarwal for the Applicants/Accused.

Ld. APP Smt. Shilpa Mahatekar for The State.

Ld. Adv. Mr. O.P. Dubey for the intervener.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE
SHRI D.D.KHOICHE
(C.R.NO.13)**

DATE : 20TH JANUARY, 2022

O R D E R

This is an application for grant of anticipatory bail under section 438 of Code of Criminal Procedure, 1973. Court perused the application and the reply filed. Perused the intervenor application. Heard

the Ld Adv. Pooja Agarwal for the applicant/accused Jaideep Nair and Anr. and Ld. APP Smt. Shilpa Mahatekar for the State present and Ld. Adv. Mr. O.P. Dubey for the intervener Mrs. Shruti.

2. The accusations are of three kinds. First is demand of 32 tolas gold. Second is subjecting cruelty on such demand, on various ways and third is directing her to leave the house when she is pregnant. All such accusations do come under section 498A of Indian Penal Code under the head of subjecting cruelty. However, each of such accusation can be straight way deposited before the Ld. Trial Court. Nature of cruelty does not show that something is to be discovered at the instance of or recovered from the applicants. Therefore, applicants cannot be held as necessary for custodial investigation.

3. They are resident of Nerul, Navi Mumbai and Kottayam, Kerala. However, India is one and there cannot be geographical discrimination in view of their place of resident. Therefore, it can be held that they would be present to attend the trial. There are no criminal antecedents against them. There is least possibility that the applicants/accused would threaten the informant. Even otherwise that can be taken care of by suitable terms and conditions.

5. Here Ld. Adv. Mr. Dubey for the intervener submitted that, the applicant/accused No.1 Jaideep is intending to go Abroad to avoid further consequences of case and therefore he be restrained for said purpose. Court observes that, in view of the case of **Rajesh Sharma V/s State of Utter Pradesh**, in Criminal Appeal No. 1265 of 2017 dated

ABA 1735/2021

::3::

27/07/2017, it would be improper to create bar to go Abroad, on the applicant/accused. Hence, following order.

ORDER

1. Anticipatory Bail Application No. 1735 of 2021 is conditionally allowed.
2. In the event of arrest, in aforesaid C.R No. 781/2021 for the offences punishable under sections 498(A), 323, 500, 504 of The Indian Penal Code, 1860, registered with Kurar Police Station, applicants/accused Jaideep Sivadas Nair and Mrs. Prasana Sivadas Nair be released on their executing P. R. Bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) each and on furnishing one or more surety/sureties of like amount and on accepting and complying following terms and conditions -
 - a) They shall not tamper with prosecution witnesses in any way.
 - b) They shall produce their respective Identity Card, address proof and furnish their mobile numbers with bail papers.
 - c) They shall attend concerned Police Station from as and when directed by investigating officer till filing the charge-sheet or till the end of March 2022 whichever is earlier.
 - e) They shall attend the trial regularly.
 - f) Infringement of aforesaid conditions shall make them liable for cancellation of bail.

(Dictated and pronounced in open Court.)

Date: 20.01.2022

**(D. D. KHOICHE)
THE ADDL.SESIONS JUDGE
CITY CIVIL & SESSIONS COURT,
BORIVALI DIVISION, DINDOSHI**

Dictated on : 20.01.2022
Transcribed on : 21.01.2022
Checked & corrected on : 24.01.2022
Signed on : 24.01.2022
Sent to Dept. on :

ABA 1735/2021

::4::

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

Date : 24/01/2022

Time : 5.00 P.M.

UPLOAD DATE AND TIME

P. V. Thorat

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

HHJ D.D.KHOCHE
(Court Room No.13)

Date of Pronouncement of
JUDGMENT/ORDER

20.01.2021

JUDGMENT/ORDER signed by P.O. on

24.01.2021

JUDGMENT/ORDER uploaded on

24.01.2021

ABA 1735/2021

::5::