

ABA 1761/2021

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MHCC050063452021



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 1761 OF 2021
C. R. No. 1226 of 2021
(CNR NO. MHCC05-006345-2021)**

Mr. Abhay Rukmaji Tambe

Age – 45 years, Occ : Service,
Residing at : Room No. 5/186, Vrishali Sadan,
S. V. Road, Near Shailendra School,
Shailendra Nagar, Dahisar (East),
Mumbai – 400 068.

Presently residing at : 3/A-202, Blue Glaexy,
Anand Nagar, C. S. Road,
Dahisar (E), Mumbai – 68.

...Applicant/Accused

V/s.

The State of Maharashtra

Through Dahisar Police Station, Mumbai
C.R.No. 1226/2021

....Respondent

Ld. Advocate Mr. Sadashiv Vaidya for the Applicant/Accused.

Ld. APP Smt. Geeta Malankar for The State.

Ld. Advocate Mr. T. R. Patel for the Intervener.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE
SHRI D.D.KHOCHE
(C.R.NO.13)
DATE : 16TH MARCH, 2022**

ORDER

This is an application for grant of anticipatory bail under

Section 438 of The Cr.P.C.,1973. Court perused the application and the reply filed. Perused the intervention application. Perused the case diary produced. Heard Ld Adv. Mr. Sadashiv Vaidya for the applicant/accused and Ld. APP Mrs. Geeta Malankar for The State and Ld. Adv. Mr. T. R. Patel for the intervenor.

2. Perusal of the case diary shows that there are complaints by both the parties against one another. Though it is so, this incident appears to have followed by quarrel between the parties. It must be noted that the applicant/accused was in his chamber itself and had not gone anywhere. Rather, the informant came over there and then the quarrel took place. The applicant/accused personally had not caught hold the informant. Rather, he had asked his school staff probably, to catch hold the informant. Therefore, it is a matter of trail as to whether the applicant/accused Abhay had an intention to outrage the modesty of informant. Even otherwise, the fate of the case would be depend upon the evidence which can be led straight way before the Ld. Trial Court. There is nothing to be discovered or recovered at the instance of the applicant/accused. The investigating officer also gave the ground, opposing the anticipatory bail that he wants to deeply investigate with the accused about unknown persons, but those unknown persons are the other accused in the case, who are the other applicants over here. Therefore, applicant/accused is not required for custodial investigation.

3. Ld. Adv Mr. T. R. Patel for the intervenor submitted that applicant/accused Abhay Tambe gave a threat to her on 28.12.2021, later on not to approach to the police station and to take back the offence. However, perusal of said NC also shows that the said threat was allegedly given on 20.12.2021 but report was given on 28.12.20.21i.e. after about 8 days. Therefore, it can not held that only

for said purpose, the applicant/accused to be given in custody. Rather, filing such report after a delay, may *prima facie* raise a suspicion about its genuineness. Its merits can be considered in the trial. However, since it is already delayed, loses its value.

4. Applicant/accused is resident of Dahisar (E), Mumbai and can be available for the trial. There are no criminal antecedents against him. There is least possibility of his threatening the prosecution witnesses. Even otherwise, that can be taken care of by suitable terms and conditions. Hence, following order.

ORDER

1. Anticipatory Bail Application No. 1761 of 2021 stands conditionally allowed.

2. In the event of arrest, in aforesaid C. R. No. 1226/2021 for the offences punishable under sections 354, 509, 504, 506 r/w 34 of the Indian Penal Code, 1860, registered with Dahisar Police Station, Mumbai, applicant/accused **Abhay Rukmaji Tambe** be released on his executing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) and on furnishing solvent surety of like amount and on accepting and complying following terms and conditions -

a) He shall produce his Identity Card, address proof and furnish his mobile number as well as land-line number with bail papers.

b) He shall not tamper with prosecution witnesses in any way.

c) He shall attend concerned Police Station as and when directed or asked by the investigating officer till filing of the charge-sheet or till end of April, 2022 whichever is earlier.

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- d) He shall attend the trial regularly.
- e) He shall not commit similar offence during on bail period.
- f) He shall maintain the diary of attendance and take the endorsement of concerned police station at every time of attendance.

(Dictated and pronounced in open Court)

Date: 16.03.2022

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

Dictated on	: 16.03.2022
Transcribed on	: 19.03.2022
Checked & corrected on	: 19.03.2022
Signed on	: 19.03.2022
Sent to Dept. on	:

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

Date : 21/03/2022

Time : 11.05 A.M.

UPLOAD DATE AND TIME

Ms. Tejal C. Rane

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

HHJ D.D.KHOCHÉ
(Court Room No.13)

Date of Pronouncement of
JUDGMENT/ORDER

16.03.2022

JUDGMENT/ORDER signed by P.O. on

19.03.2022

JUDGMENT/ORDER uploaded on

21.03.2022