



MHCC050065992021

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

ANTICIPATORY BAIL APPLICATION NO.1837 OF 2021

IN

C.R.NO.1207 OF 2021

Mr. Mitesh Jaywant Jadhav,
Age 36 years Occu.: Business,
An adult, Indian Inhabitant of
Mumbai residing at Room No. 4,
Sai Darshan Chawl, Kasturba Road
No.1 Opp. Kasturba Police Station,
Borivali (East), Mumbai 400 066.

...Applicant/Accused.

V e r s u s

**The State of Maharashtra
(Andheri Police Station)**

...Respondent.

Shri.Ramesh Mishra Advocate for the Accused.
Miss R.S.Kanojia A.P.P for the State.

CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division Dindoshi.
(C.R.NO.15)
Dt.27th December, 2021.

O R D E R

1. The present application is filed by the applicant/accused for

the Anticipatory Bail. Perused the application and say thereon vide Exh.4. Heard the learned advocate for the accused Shri Ramesh Mishra & the learned A.P.P Miss R.S.Kanojia for the State. I have gone through the case papers, say of the police & the case diary. It is seen that the present applicant/accused along with the other accused alleged to have been committed the offences punishable u/s 188, 308, 269, 294 & 114 r/w 34 of The I.P.C & 8(4),8(5) and 8(6) of The Maharashtra Prohibition of Obscene Dance in Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016 which is registered vide Crime No.1207/2021 at P.S.Andheri, Mumbai.

2. It is pertinent to note here that the report Dt.12.12.2021 alongwith the spot cum seizure panchnama and the statements of the witnesses show that the police raided the Deepa Bar & Restaurant on 12/12/2021 at 6.00 P.M wherein they found 17 girls were kept in small room in cavity etc which were involved in Obscene Dance etc. No doubt, the Investigation Officer has prepared the Spot-Cum-Seizure panchnama and arrested the other accused who were present on the spot including the said girls. Moreover, the Learned Metropolitan Magistrate has released all the accused.

3. It is to be noted here that the role of the present accused in the said incident is only he is one of the partner of the said Deepa Bar & Restaurant but the prosecution has not collect any material to show that the present accused was actively involved in day-to-day business of the said Deepa Bar & Restaurant. The previous bail application bearing ABA NO. 1776 of 2021 was rejected on 16/12/2021 by this Court as the investigation was in progress. No doubt, the Hon'ble Supreme Court in Spl. Criminal Application No.213/2021 Dt.28/01/2021 and the Hon'ble

Bombay High Court in Criminal Application No. 3347 to 3349 and 3458 of 2006 Dt.07/12/2006 observed that the court can entertained and decide the Second Anticipatory Bail Application if there is change of circumstances & the presence of accused or the custodial interrogation of the accused by the investigation is not extremely needed.

4. Needless to say that the present accused is the permanent resident of Room No.4, Sai Darshan Chawl, Kasturba Road No.1, Opp. Kasturba Police Station, Borivali East, Mumbai 400 066 and the case diary clearly shows that the Investigation Officer has already made the seizure and recorded the statements of the witnesses etc whereby almost all the investigation is completed the charge-sheet is ready to file before the concern Court. Moreover, the present accused alongwith the other accused alleged to have been committed the offences punishable u/s 188, 308, 269, 294 & 114 r/w 34 of The I.P.C & 8(4),8(5) and 8(6) of The Maharashtra Prohibition of Obscene Dance in Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016 wherein the presence of the accused & the custodial interrogation of the accused cannot be said to be essential at this stage when all the investigation is completed and charge-sheet is ready to file before the concern Court which is vital change of circumstances since rejection of the previous ABA NO.1776 of 2021 and considering the present Bail Application. However, the purpose of the prosecution would be solved if some reasonable conditions are imposed upon the present accused while granting the bail to the accused.

5. In such circumstances, I am of the view that this is the fit case in which the Anticipatory bail can be granted to the applicant by invoking the provisions laid down u/s 438 of The Cr.P.C. Hence, I

proceed to pass the following order.

ORDER

The application is hereby allowed.

The applicant/accused **Mitesh Jaywant Jadhav** be released on bail in the crime bearing No.1207 of 2021 u/s 188, 308, 269, 294 & 114 r/w 34 of The I.P.C & 8(4),8(5) and 8(6) of The Maharashtra Prohibition of Obscene Dance in Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016 registered by Andheri Police Station on furnishing P.R.Bond of Rs.15,000/-(Rs. Fifteen Thousands only) in the event of the arrest.

The applicant/accused shall not tamper with the prosecution evidence in any manner & remain present on every Monday between 11.00 A.M. to 5.00 P.M before the I.O at Andheri Police Station.

(A.Z.Khan)

Additional Session Judge
Borivali Div, Dindoshi.

Date :- 27.12.2021.

Dictated on : **27.12.2021.**
Typed on : **27.12.2021.**
Signed on : **27.12.2021.**

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

27.12.2021 at 3.59 P.M.

(Sushama.S.Chudji)

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.15)
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Date of Pronouncement of JUDGMENT/ ORDER	27.12.2021
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JUDGMENT/ORDER signed by P.O. on	27.12.2021
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JUDGMENT/ORDER uploaded on	27.12.2021
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