

ABA 1868/2021

::1::

MHCC050067132021



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 1868 OF 2021
C. R. No. 1391 of 2021
(CNR NO.MHCC05-006713-2021)**

Sajidali Shahidali Shaikh

Age 33 years,

Residing at Room No. 27, K. K. Tiwari Chawl,

Kajupada, Pipeline, Ghas Compound,

Kurla (W), Mumbai – 400 072.

...Applicant/Accused

V/s.

The State of Maharashtra

Through Sakinaka Police Station, Mumbai

C.R.No.1391/2021

....Respondent

Ld. Advocate Mr. Uttam Sahu for the Applicant/Accused.

Ld. APP Smt. Shilpa Mahatekar for The State.

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

DATE : 3RD FEBRUARY, 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. Heard Ld Adv. Mr. Uttam Sahu for the applicant/accused and Ld. APP Smt. Shilpa Mahatekar for The State alongwith API Mr. Leeladhar Patil of Sakinaka police station. Perused the case diary.

2. The accusations are that present applicant/accused Sajik Ali had brought the iron rod and handed over to the accused Yusuf, who assaulted by it on the head of informant Mohd. Taufik Shabbir Shaikh. Case diary shows that informant Mohd. Taufik suffered grievous injury. Therefore, the offence comes under Section 326 of The IPC or even could have been escalated. This Court had rejected the anticipatory bail applications of both the co-accused Yusuf and Amir. The investigating officer submitted that The Hon'ble Bombay High Court was pleased to reject the anticipatory bail applications of both those co-accused on 02.02.2022. Material thing is that the weapon used in the offence is necessary to be recovered and it was brought by the present applicant/accused on the spot. Therefore, the applicant/accused is compulsorily required for custodial investigation. Consequently, the judicial discretion can not be used in his favour. Hence, following order.

ORDER

Anticipatory Bail Application No. 1868 of 2021 registered in C. R. No. 1093/21 for the offences punishable under Sections 323, 326, 504, 506 r/w 34 of The Indian Penal Code, 1860, registered with Sakinaka police station (CCTNS Crime No. 1391/21) stands rejected.

(Dictated and pronounced in open Court)

Date: 03.02.2022

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

ABA 1868/2021

::3::

Dictated on	: 03.02.2022
Transcribed on	: 03.02.2022
Checked & corrected on	: 03.02.2022
Signed on	: 03.02.2022
Sent to Dept. on	:

ABA 1868/2021

::4::

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

Date : 04/02/2022

Time : 12.13 P.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.KHOCHE
(Court Room No.13)**

Date of Pronouncement of
JUDGMENT/ORDER

03.02.2022

JUDGMENT/ORDER signed by P.O. on

03.02.2022

JUDGMENT/ORDER uploaded on

04.02.2022