



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO. 1452 OF 2021**

**IN**

**( C.R. No. 89 of 2020 of Dahisar Police Station, Mumbai )**

**P. Muthu Tevar,**

Age : 61 yrs., Occupation : retired,  
R/o : Flat No. 404, 4th Floor, R-3 Bldg.,  
Village Malad at Appapada, Malad E.  
Mumbai 400 097

**..Applicant**

**Vs**

**1) The State of Maharashtra  
2) The Senior Inspector of Police,  
( through Dahisar Police Station )**

**..Respondents**

Ld. Adv. Shreya Tiwari, for the applicant.  
Ld. APP Sachin Jadhav, for the State.

**CORAM : SHRI S. U. BAGHELE,  
ADDITIONAL SESSIONS JUDGE,  
COURT ROOM NO.09.**

**DATE : 4<sup>th</sup> January, 2022**

**ORAL ORDER**

This is an application for the grant of anticipatory bail under section 438 of the Cr.P.C., in connection with C.R. No. 89 of 2020, registered with Dahisar Police Station, for the offence punishable

under section 420 read with section 34 of the Indian Penal Code.

2 Perused the application, the say filed thereon and the documents relied upon in support thereof.

3 Heard the learned counsel for the applicant and the learned APP for the State.

4 It is submitted by the learned counsel for the applicant that the dispute is of civil nature. FIR came to be lodged after 15 years. No specific role is attributed to the applicant. Reliance has been placed upon an authority in the case of **Sham Bhatia Vs The State of Maharashtra in Cri. Application No. 605 of 1988, decided by the Hon'ble Bombay High Court on 23<sup>rd</sup> March, 1988**, wherein it was held that if a case depends upon documents entirely, custodial interrogation is not necessary. In that case, the purpose of seeking custody was found to be for humiliating the accused therein, due to business rivalry.

5 Per contra, it is submitted by the learned APP that alternate accommodations are obtained by the applicant twice. He did not co-operate the police. His custodial interrogation is necessary.

6 As per the FIR, the applicant appears to have secured two alternate accommodations in his own name as well as in the name of another family member.

7 Considering the nature of the crime, wherein authorities appear to have been deceived and two alternate accommodations

appear to have been obtained for a single family, the custodial interrogation of the applicant is required for the purpose of investigation, in relation to the same, to unveil each and every facet of the crime. Hence, the applicant is not entitled to anticipatory bail. Thus, I proceed to pass the following order :

**ORDER**

- 1) Anticipatory Bail Application No. 1452 of 2021 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

Sd/-

**(S. U. BAGHELE)**

Dt. 04/01/2022

Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Dictated on : 04/01/2022  
Transcribed on : 04/01/2022  
Signed on : 04/01/2022

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

04/01/2022 at 5.27 p.m.  
UPLOAD DATE AND TIME

Mrs. S.B. Vichare  
NAME OF STENOGRAPHER

Name of Judge (with Court room no.)

HHJ Shri S. U. Baghele, City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 09 )

Date of Pronouncement of JUDGEMENT/ORDER

04/01/2022

JUDGEMENT/ORDER signed by P.O. on

04/01/2022

JUDGEMENT/ORDER uploaded on

04/01/2022

