



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

**ANTICIPATORY BAIL APPLICATION NO. 1315 OF 2022
(CNR NO.MHCC05-004489-2022)**

IN

**C.R. NO.841/2022
(POLICE STATION, GOREGAON)**

Shipra Paritosh Dhar)
Age: 43 years, Occ: Nil)
Residing at 502, Jatin Prabha,)
Plot No.92, L.T. Road no.5, Off. M.G. Road,)
Goregaon West, Mumbai – 400 104.) **..Plaintiff**

V/s.

The State of Maharashtra)
(Goregaon Police Station)) **..Respondent(s)**

Adv. Mr. D.M. Mandhare for the applicant.
APP Mr. Shailesh Pachapohar for the State.

**Coram : Her Honour Addl. Sessions Judge,
Smt. V.D. Ingle.
(C.R.No.8)**

Date : 26th August, 2022

ORAL ORDER

The applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No.841/2022, for the offences punishable under Section 324, 354, 504, 506 and 509 r/w Section 34 of the Indian Penal Code, registered in Police Station, Goregaon.

2. In nutshell the facts of the prosecution case is that on account of parking vehicle, there was quarrel between the informant, her husband and daughters on one side and the co-accused-Deba Dhar and his sister i.e. the applicant, who are residents of the same building. At that time, the co-accused-Deba Dhar abused the informant in filthy language. He also pressed chest of her daughter. When the informant's husband came to rescue them, the co-accused-Deba assaulted the informant's husband by iron rod on cheek and blood started oozing. The co-accused-Deba also gave kick on the back of the informant. The applicant abused the informant's younger daughter and also assaulted her by broom. In this background, the informant lodged the report on 9.08.2022 in Police Station, Goregaon. On the basis of that report, aforesaid offences were registered against the applicant and the co-accused.

3. Heard, the learned advocate for the applicant and the learned A.P.P. The learned advocate for the applicant submitted that the co-accused has been granted bail. The applicant has been falsely implicated in this case. Nothing is to be recovered from the applicant. The dispute is regarding parking of motor bike. There is no any criminal antecedent against the present applicant. He canvassed that the custody of the applicants is not required, considering the allegations leveled against him. He thus, submitted that he may be granted pre-arrest bail.

4. As against this, the learned A.P.P. submitted that the applicant has not made himself available for interrogation at the police station and thus, not co-operated in investigation. The possibility of the applicant having committed similar offence cannot be ruled out and

influencing and threatening the witnesses cannot be ruled out. Detail investigation is required to be conducted and without the custody of the applicant, the progress in the investigation will be hampered. She submitted that the applicant will also tamper with the prosecution evidence and threaten the witnesses. He, thus, prayed for rejection of the application.

5. Heard both the sides.

6. Perused the application, say (Exhibit-2) and the case diary.

7. The only allegations against this applicant is that she assaulted the informant and her daughter by broom and fist blow. The crime has been registered on 9.08.2022 against the applicant for incident of 8.08.2022. The applicant has registered N.C. report against the informant and two other ladies on 8.08.2022 under Section 323 and 504 of I.P.C. It appears that the N.C. report lodged by the applicant is prior to the registration of the present offence by the informant. It appears that both the parties have lodged counter report/complaint against each other. Hence, considering all these facts and circumstances, the custodial interrogation of the present applicant is not necessary. In the circumstances, I think fit to extend the relief of pre-arrest bail to the applicant on certain conditions. I therefore, pass the following order :

ORDER

1. The application is allowed.

2. In the event of arrest of the applicant-Shipra Paritosh Dhar,

in connection with Crime No. 841/2022 registered in Police Station, Goregaon, she be released on executing a personal bond in the sum of Rs.15,000/- (Fifteen Thousand rupees only) with a surety in the like amount each, on the following conditions :-

- (i) She shall attend the Police Station, Goregaon on every Sunday from 10.00 a.m. to 1.00 p.m. and shall also make herself available for interrogation by the police as and when required under written intimation to that effect, till filing of the charge-sheet.
- (ii) She shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer or tamper with the prosecution evidence and shall co-operate in the investigation.
- (iii) She shall not in future commit an offence similar to the offence with which she is charged or any other offence, in default, the prosecution will be at liberty to apply for cancellation of her bail.
- (iv) She shall furnish her recent residential address proof and contact details on record.

3. Inform the concerned Police Station, accordingly.

4. Anticipatory Bail Application No.1315/2022 stands disposed of, accordingly.

Date: 26.08.2022

(Smt. V. D. Ingle)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi
Goregaon, Mumbai

Dictation given directly on computer on : 26.08.2022
Checked and signed by HHJ on : 06.10.2022

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

UPLOAD DATE AND TIME : 6.10.2022 5.45 P.M. ATUL SURYAKANT BHOGTE
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Smt. V.D.Ingle (Court Room No.8)
Date of Pronouncement of Judgment/Order	26.08.2022
Judgment/Order signed by P.O. on	06.10.2022
Judgment/Order uploaded on	06.10.2022