



MHCC050043812021

IN THE COURT SESSION, AT DINDOSHI
BORIVALI DIVISION, GOREGAON, MUMBAI

CRIMINAL BAIL APPLICATION NO.1146 OF 2021

IN

C.R.No.27/2021

Sandip Gangaprasad Nirmal,

Aged 31 years, Occ: Service

R/a: K.P.R. Chawl,

Road No. 05, Nehru Nagar,

Vile Parle West, Mumbai-58

...Applicant/Accused.

V e r s u s

1.The State of Maharashtra,

Juhu Police Station.

...Respondent.

Shri Dattatray Papal Advocate for the Applicant.

Shri Mahajan A.P.P for the State.

CORAM : A.Z.KHAN,

Additional Sessions Judge,

Borivali Division Dindoshi.

(C.R.NO.15)

Dt.17th February, 2022.

O R D E R

1. Perused the application and say thereon vide Exh.2. Heard the learned counsel Shri Dattatray Papal for the applicant/accused and the learned APP Shri Mahajan. I have gone through the application, the

report of the police and the case diary of the police. It is seen that the accused alleged to have been committed the offences punishable u/s 307, 323 & 504 of The Indian Penal Code in which the accused is arrested on 12/01/2021 and since then he was in PCR & now he is in MCR.

2. It is pertinent to note here that the report lodged by the complainant Smt. Rajashree Rajesh Dt.12/01/2021 alongwith the statements of the witnesses & the medical report etc clearly shows that the accused is the husband of the complainant/victim who assaulted the complainant on 12/01/2021 at about 5.00 P.M. to 5.45 P.M. at Mangala Bhuvan Swastik Society, Gulmohor Road No.1, near Bhaidas Hall, Vile Parle, Mumbai by the knife wherein she sustained the grievous injuries to her stomach etc. No doubt, the accused assaulted the complainant by the deadly weapons which is knife on her vital part of the body.

3. Obviously, the present accused is in jail since 12/01/2021 but the complainant/victim herself appeared before the Court and filed her affidavit vide Exh. 4 that they have settled their matter amicably and she has no objection for grant of bail as no one is to look after her and her children. No doubt, the matter is settled between the parties and the accused is ready to abide all the terms and conditions imposed by the Court and Corona Pandemic is going on & the jail is not the exception and thus the detention of the accused in the circumstances as discussed above is not justified.

4. In such circumstances, I am of the view that this is the fit case in which the accused can be released on bail u/s 439 of The Cr.P.C

& thus I proceed to pass the following order.

ORDER

The Criminal Bail Application No. 1146 of 2021 is hereby allowed.

The applicant/accused **Sandip Gangaprasad Nirmal** be released on bail in C.R.No.27/2021 registered by Juhu Police Station u/s 307, 323 & 504 of The Indian Penal Code on furnishing P. R. Bond of Rs.25,000/-(Rs. Twenty Five Thousand only) with one or two surety/sureties in the like amount. The applicant/accused shall not tamper with the prosecution witnesses or evidence in any manner.

The Criminal Bail Application No. 1146 of 2021 is hereby disposed off.

Dt. 17.02.2022

(A.Z.Khan)
Additional Session Judge
Borivali Div, Dindoshi

Dictated on : 17.02.2022
Typed on : 17.02.2022
Signed on : 17.02.2022

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

17.02.2022 at 06.15 P.M.

(Ms.S.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	17.02.2022
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JUDGMENT/ORDER signed by P.O. on	17.02.2022
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JUDGMENT/ORDER uploaded on	17.02.2022
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