

BA 925/2021

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MHCC050035082021



**IN THE COURT OF SESSIONS, AT DINDOSHI
BORIVALI DIVISION), GOREGAON, MUMBAI
CRIMINAL BAIL APPLICATION NO.925 OF 2021
(C.R.NO.546/2021)
(CNR NO.MHCC05-003508-2021)**

1. Aspak Maheub Shiraji Sayyed

Age 20 Years, Occupation: Student,
Residing at 23, Sandhivado,
Kort Vistar, Una, Gir,
Somnath, Gujrat 362560.

2. Ibrahim Shahabuddin Kalekazi

Age 23 Years, Occupation: Not mentioned,
Residing at 108, Sai Baba Chawl,
Gaondevi Dongri, Hussain Flour Mill,
Andheri West, Mumbai 400 058.

3. Sakir Husen Maheub Shriraji

Age 21 Years, Occupation: Not mentioned,
Residing at 23, Sandhivado,
Kort Vistar, Una, Gir,
Somnath, Gujrat 362560.

....Applicants/Accused

V/s.

The State of Maharashtra

At the instnace of D.N. Nagar
Police Station.

....Respondent

Ld. Advocate Mr. Mohammed Arif Siddiqui for the Applicants/Accused
Ld. Addl.P.P. Smt. R.S. Kanojiya for the State.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE
SHRI D.D.KHOCHE
(C.R.NO.13)
DATE : 28TH JULY, 2021.**

ORDER

This is an application u/s. 439 of the Criminal Procedure Code 1973 filed by Aspak Maheub Shriraji Sayyed, Ibrahim Shahbuddin Kalekazi and Sakir Husen Maheub Shriraji for grant of bail in Crime No.546/2021 for the offences punishable under sections 353, 504, 506 r/w 34 of the Indian Penal Code, 1860 (hereinafter referred to as "I.P.C.") registered with D.N. Nagar Police Station.

2. Court perused the application and reply filed by D.N. Nagar Police Station. Heard Ld. Advocate Mr. Mohammed Arif Siddiqui for the Applicants/Accused and Ld. Addl.P.P. Smt. R.S. Kanojiya for the State.

3. Applicants/Accused are arrested on 7/7/2021 and are sufficiently investigated. Record shows that applicants/accused deposited the basic fine amount of Rs.8,300/- (Rupees Eight Thousand Three Hundred only) on the concerned vehicle. Most of the investigation appears to be completed.

4. Applicants/Accused are resident of Gujrat and Andheri West, Mumbai. Though they are resident of Gujrat, there cannot be geographical discrimination as it is guided in the case of *Motiram & Ors. Vs. State of M.P., AIR 1978 SC 1594*. There are no criminal antecedents against them. Witnesses being the police personnel, there is least possibility that the

applicants/accused would tamper them. Hence, it is fit case to consider for bail of the applicants/accused, subject to appropriate terms and conditions. Hence, following order:

ORDER

1. Criminal Bail Application No.925/2021 is conditionally allowed.
2. Applicants/Accused Nos.1 to 3 respectively Aspak Maheub Shriraji Sayyed, Ibrahim Shahbuddin Kalekazi and Sakir Husen Maheub Shriraji be released in Crime No.546/2021 for the offences punishable under sections 353, 504, 506 r/w 34 of the Indian Penal Code, 1860 registered with D.N. Nagar Police Station on their executing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only) each and on furnishing solvent one or more surety/sureties of like amount and on their accepting following terms and conditions-
 - a) They shall provide their identity proof, address proof, mobile phone number as well as land-line numbers with bail papers.
 - b) They shall attend D.N. Nagar police station on every Wednesday between 10.00 a.m. to 2.00 p.m., till filing of the charge-sheet or till the end of September 2021 whichever is earlier and shall co-operate the Investigating Officer in the investigation.
 - c) They shall maintain diary of attendance and take the endorsement of police station on it.
 - d) They shall not tamper the prosecution witnesses in any way.
 - e) They shall not commit similar offence during on bail period.
 - f) They shall attend the trial regularly.
 - g) Bail before the Ld. Metropolitan Magistrate.

3. Ld. Advocate for applicants/accused prayed for cash security. Considering that, offence against applicants/accused is serious and two of the applicants/accused are resident of out of Maharashtra, hence prayer of provisional cash security stands rejected.

(Dictated and pronounced in open Court)

Date: 28.7.2021

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

Dictated on	: 28.7.2021
Transcribed on	: 28.7.2021
Checked & corrected on	: 28.7.2021
Signed on	: 28.7.2021
Sent to Dept. on	:

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**“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED ORDER”**

28.7.2021 AT 12.55 P.M.

MRS.M.S.PENDKHALKAR

Name of the Judge (With Court Room No.)	HHJ D.D.KHOCHE (Court Room No.13)
Date of Pronouncement of ORDER	28.7.2021
ORDER signed by P.O. on	28.7.2021
ORDER uploaded on	28.7.2021