

MHCC050016002021



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

**ANTICIPATORY BAIL APPLICATION NO. 439/2021
(POLICE STATION, KANDIVALI (WEST))**

DILIP MOHAN TANK

Age: 56 Years, Occ: Nil

Indian inhabitant,

Residing at D-40, Plot No.501,

Ganesh Sidhi Co-op.Hsg. Society,

Sector-5, Charkop, Kandivali (West),

Mumbai-400067.

.. Applicant.

Vs.

**State of Maharashtra (Through
Kandivali (West) Police Station)**

.. Respondent.

Ld. Adv. Mr. J.S. Pawar, for the applicant.

Ld. APP Mrs. Usha Jadhav for the State.

**CORAM : HIS HONOUR ADDITIONAL SESSIONS
JUDGE SHRI L.S.CHAVAN.**

(C.R. No.10)

Date : 30th March, 2021.

ORDER

1. This is an application filed by the applicant under Section 438 of the Code of Criminal Procedure 1973, for granting anticipatory bail in the event of any crime being registered for non bailable offence on the complaint lodged by the complainant namely Ashok Hirji

Manani.

2. The learned advocate for the applicant argued that, the complainant namely Ashok Hirji Manani lodged the report to the Kandivali Police Station by contending that, on 17.03.2015 the applicant has accepted an amount to the tune of Rs.6,60,000/- from him for one land purchase deal in Pune. Thereafter, he neither completed the deal of land nor repaid the amount. It is argued that, the applicant has no direct nexus with the alleged offence. He has been falsely implicated in the alleged offence. The entire transaction is of civil nature. The custodial interrogation of the applicant is unwarranted. He has apprehension regarding his arrest at the hands of Kandivali Police Station on the false report of the complainant. Hence, requested for granting anticipatory bail.

3. Per contra, the learned APP for the respondent strongly opposed for granting anticipatory bail by contending that, till today no offence is registered against the applicant. Therefore, the present application is not maintainable and requested for rejecting the same.

4. On perusal of report filed by the Kandivali Police Station, it appears that till today no offence is registered against the applicant on the basis of report of the complainant. It is also seen that, the respondent has not issued any notice U/sec 41A of Cr.P.C. to the applicant in respect of any crime registered against him. The applicant has apprehension regarding his arrest at the hands of Kandivali Police in non bailable offence. Considering his apprehension of arrest at the hands of the Kandivali Police, it would be proper to issue direction to

the respondent that, they shall give at least 72 hours notice to the applicant before taking any coercive action against him in non bailable offence. Hence, following order.

ORDER

1. In the event of any crime being registered for non bailable offence on the complaint of Ashok Hirji Manani, the respondent shall issue at least 72 hours notice to the applicant before taking any coercive action.
2. Inform to the Kandivali Police Station.
3. The Anticipatory Bail Application No.439/2021 stands disposed of accordingly.

Sd/-

30/03/2021

(L.S.Chavan)
Additional Sessions Judge,
Borivali Division, Dindoshi
Goregaon, Mumbai.

Dictation given directly on computer on: 30/03/2021

Checked & Signed by HHJ on : 30/03/2021

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
31/03/2021 at 3.15 pm.	Mrs. J.S.Gawai
UPLOAD DATE AND TIME	NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Shri L.S. Chavan, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	30/03/2021
JUDGEMENT/ORDER signed by P.O. on	30/03/2021
JUDGEMENT/ORDER uploaded on	31/03/2021