

ABA 406/2021

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MHCC050014362021



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.406 OF 2021
(C.R.NO.928/2019)
(CNR NO.MHCC05-001436-2021)**

1. Mr. Anwar Hussain Balideen Ansari

Aged 68 Years, Occupation: Retired,
Residing at Room No.A/9, Milan House Chawl,
Krishna Nagar, Sakinaka, Mumbai 400 072.

2. Mr. Taufik Ahmed Anwar H. Ansari

Aged 47 Years, Occupation: Advocate,
Residing at Ganesh Chawl,
Tunga Village, Sakinaka,
Mumbai 400 072.

...Applicants/Accused

V/s.

State of Maharashtra

At the instance of the Sr. Inspector
of Police of Sakinaka Police Station **....Respondent/Org. Complainant**

Ld. Advocate Mr. Sawant for the Applicants/Accused.

Ld. Addl.P.P. Smt. Usha Jadhav for the State.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE
SHRI D.D.KHOCHHE
(C.R.NO.13)
DATE : 22ND APRIL, 2021.**

ORDER

This is an application u/s. 438 of the Criminal Procedure Code 1973 filed by Anwar Hussain Balideen Ansari and Taufik Ahmad Anwar H Ansari for grant of Anticipatory Bail in C.R.No.928/2019 for the offences punishable under sections 452, 323, 324, 504, 506(2) r/w 34 of the Indian Penal Code, 1860 (hereinafter referred to as "I.P.C.") registered with Sakinaka Police Station.

2. Perused the application and the belated reply filed by Sakinaka Police Station. Perused the case diary produced. Investigating Officer is absent. Heard Ld. Advocate Mr. Sawant for the Applicants/Accused and Ld. Addl.P.P. Smt. Usha Jadhav for the State.

3. The offence was alleged occurred on 17/11/2019 and report was filed in the year 2019. Now we are in the year 2021. However, investigation papers show that the Investigating Officer even never taken care to seize the weapon 'hammer' allegedly used in the offence or in the counter offence registered. Thus, the investigation is unsatisfactory. Though it is so, perusal of the investigation papers show that offence was occurred in the year 2019 and now nothing is to be recovered for discover from the applicant/accused as probably as per Ld. Advocate for the applicants/accused, the hammer was used which was on the spot and might be probably with the informant. In aforesaid circumstances, after about one year of the incidence, no purpose would be served by asking the applicants/accused to produce said hammer if it is in their custody.

4. Applicants/Accused are resident of Sakinaka, Mumbai and can be available for the trial. There are no criminal antecedents against them. There is possibility of their threatening to the informant and other witnesses. However, that can be taken care of by appropriate terms and conditions. With this, Court is inclined to pass the following order:

ORDER

1. Anticipatory Bail Application No.406/2021 is conditionally allowed.
2. In the event of arrest, in aforesaid C.R. No.928/2019 for the offences punishable under sections 452, 323, 324, 504, 506(2) r/w 34 of the Indian Penal Code, 1860 registered with Sakinaka Police Station, applicants/accused Anwar Hussain Balideen Ansari and Taufik Ahmad Anwar H. Ansari be released on their executing P.R.Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each and on furnishing solvent surety of like amount and on observing following terms and conditions -
 - a) They shall produce their respective Identity Cards, address proofs and furnish their mobile numbers with bail papers.
 - b) They shall attend Sakinaka Police Station as and when Investigating Officer calls for specifically till the end of May 2021 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 with prosecution witnesses in any way.
 - e) They shall not enter in the 500 mtrs. area around the house of dispute i.e. Room No. A/9, Milan Society Chawl, 90 Foot Road, Krishna Nagar, Sakinaka, Mumbai 400 072, unless and until final hearing of this case is completed.

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- f) They shall not commit similar offence during on bail period.
- g) They shall attend the trial regularly.

(Dictated and pronounced in open Court)

Date: 22.4.2021

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

Dictated on	: 22.4.2021
Transcribed on	: 22.4.2021
Checked & corrected on	: 22.4.2021
Signed on	: 22.4.2021
Sent to Dept. on	:

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

24.4.2021 AT 12.12 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	22.4.2021
ORDER signed by P.O. on	22.4.2021
ORDER uploaded on	24.4.2021