

MHCC050012772021



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

Order Below Exhibit.1
IN
ANTICIPATORY BAIL APPLICATION NO.361 OF 2021
IN
C.R.NO.883 OF 2020

Mr. U.Nagesh Padmappa Suvarna,
Age 64 years Occu.:Business,
R/o 15/2/18, Cosmos C.H.S Ltd,
Bhavani Nagar, Marol, M.M.Road,
Andheri (East), Mumbai-400 059. ...Applicant/Accused.

V e r s u s

The State of Maharashtra
(M.I.D.C Police Station) ...Respondent.

Shri R.C.Tripathi Advocate for the Accused.
Miss R.S.Kanojia A.P.P for the State.

CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division Dindoshi.
(C.R.NO.15)
Dt.04.06.2021.

O R D E R

1. The present application is filed by the applicant/accused

for the Anticipatory Bail. Perused the application and say thereon vide Exh.4. Heard the learned advocate Shri R.C.Tripathi for the accused & the learned A.P.P Miss R.S.Kanojia for the State. I have gone through the case papers, say of the police & the case diary. It is seen that the present applicant/accused along with the other accused persons alleged to have been committed the offences punishable u/s 188, 269, 294 & 114 r/w 34 of The I.P.C alongwith 51(B) Disaster management Act and 3, 8(1)(2) of the Maharashtra Prohibition of obscene Dance in Hotels, Restaurants and Bar Room and protection of Dignity of Women Act 2016 & the offence came to be registered vide Crime No.883/2020 at MIDC Police Station, Mumbai.

2. It is pertinent to note here that the report of the complainant namely Sachin Vasant Patsupe Dt. 27/12/2020 and statements of the witnesses clearly show that the present applicant/accused is the owner of the bar namely “Sadguru (Rubi) Bar and Restaurant” situated at Makwana Road, Marol Naka, Andheri (East), Mumbai and the police raided the said “Sadguru (Rubi) Bar and Restaurant” on 26/12/2020 in which they found that the present applicant/accused being the owner of the said Bar alongwith other accused persons were providing the liquor through the women/girls & doing the vulgar dance etc unauthorizedly & illegally under the pretext of the license. No doubt, the incident took place on 26/12/2020 and since then the present applicant/accused is absconding but the same type of offences alleged to have been committed by the present applicant/accused for about 03 to 04 times.

3. Obviously, the offence is serious & relating to the vulgarity but the present applicant/accused being the owner of the premises taking disadvantage of his age and alleged leave and license agreement

by giving up his responsibility for the said illegal activity but thorough interrogation of the present applicant/accused is essential & the personal custody of the present applicant/accused with the Investigation Officer is indeed essential otherwise the case of the prosecution on merit would be affected & the right to interrogate the present applicant/accused by the investigation officer would be taken away if the present applicant/accused is released on bail by granting the anticipatory bail as sought.

4. In such circumstances, I am of the view that this is not the fit case in which the applicant/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

ORDER

The application is hereby rejected.

(A.Z.Khan)

Additional Session Judge
Borivali Div, Dindoshi.
Mumbai.

Date :- 04.06.2021.

Dictated on : 04.06.2021.
Typed on : 04.06.2021.
Signed on : 04.06.2021.

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

04.06.2021 at 05.00 P.M.
UPLOAD DATE AND TIME

(A.S.SUGDARE)
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)

SHRI. A. Z. KHAN
(C.R. NO.15)

Date of Pronouncement of JUDGMENT/
ORDER

04.06.2021

JUDGMENT/ORDER signed by P.O. on

04.06.2021

JUDGMENT/ORDER uploaded on

04.06.2021