

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

**ANTICIPATORY BAIL APPLICATION No. 1527 OF 2018
(CNR NO.MHCC05-005640-2018)**

IN

**C.R. NO.620 OF 2017
(POLICE STATION, DAHISAR)**

Shri Sudhir Kumar Saw)
Occ. Business)
Aged 29 years, Hindu, Indian Inhabitant,)
residing at 104, Room No.8, Rajak Kutir)
Chawl, Malwani Gate No.3, near Mangalmurti)
Hospital, Malad(West), Mumbai – 400 095.) **..Applicant(s)**

V/s.

State of Maharashtra)
Dahisar Police Station.) **..Respondent(s)**

Adv. Mr. R.A. More for the applicant.
APP Mrs. Geeta Malankar for the State.

**Coram : His Honour Addl. Sessions Judge,
H.B.Gaikwad.
(C.R.No.9)**

Date : 15th January, 2019.

ORAL ORDER

The applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No.620/2017, for the offences punishable under Section 294, 109 and 114 of the Indian Penal Code and under section 8(1) to (4) r/w Section 3 of the Maharashtra Prohibition of Obscene Dance in Hotel, Restaurants and Bar Rooms and Protection of Dignity of Woman (Working therein) Act, 2016, registered in Police Station, Dahisar.

2. It is the case of the prosecution that, on getting information

by the police attached to Police Station, Dahisar, Police Shipahi-Bharat Sitaram Mohite alongwith other police staff raided 'Jaypriti Bar & Restaurant' situated at S.V. Road, Anand Nagar, Dahisar (East), Mumbai, on 7.12.2017 at 10.05 p.m. At that time, they found an illegal orchestra, lady waitresses wearing revealing clothes, doing obscene dance on the orchestra and Indian currency notes lying on the dance floor. The police seized the currency notes. In this background, Police Shipahi-Mohite lodged the report on 8.12.2017 in Police Station, Kasturba Marg against the owner, Manager, Cashier, Waiters and customers of the said Bar and Restaurant. On the basis of that report, aforesaid offences were registered against them.

3. Heard, the learned Counsel for the applicant and the learned A.P.P. The learned Counsel for the applicant submitted that the applicant was not present at the time of the incident and he is only the power of attorney holder of the owner namely Mrs. Reeta Pritam Pandey. He submitted that the custody of the applicant is not required, considering the allegations leveled against him. He submitted that the applicant is falsely involved in this case and therefore, prayed for granting pre-arrest bail to the applicant.

4. As against this, the learned A.P.P. argued that the custody of the applicant is required, as he is to be interrogated. She argued that the investigation is in progress and without the custody of the applicant, the progress in the investigation will be hampered. She submitted that the possibility of the applicant tampering with the prosecution evidence cannot be ruled out. She, thus, prayed for rejection of the application.

5. Perused the police papers produced by the Investigation

Officer and the reply (Exhibit-2). Perusal of the report shows that an illegal dance bar was being run at 'Jayprit Bar & Restaurant'. The applicant appears to be only the power of attorney holder of the owner of the bar and restaurant. The police has seized the articles from the spot of the incident and nothing more is required to be seized. The Investigation Officer has also not given any substantial grounds in his reply, warranting the custody of the applicant.

6. Having comprehensive view of the matter and considering the allegations leveled against the applicant, his custody is not warranted. The prosecution has also not given substantial grounds requiring the custody of the applicant. The applicant is also not having any criminal antecedents. The applicant has thus, made out a prima-facie case for granting pre-arrest bail. In the circumstances, I think fit to extend the relief of pre-arrest bail to the applicant on certain conditions. I therefore, pass the following order.

ORDER

1. The application is allowed.
2. In the event of arrest of the applicant-Sudhir Kumar Saw, in connection with Crime No.620/2017 registered in Police Station, Dahisar, he be released on executing a personal bond in the sum of Rs.15,000/- (Fifteen thousand rupees only) with a surety in the like amount, on the following conditions :-
 - (i) He shall attend the Police Station, Dahisar on every Thursday from 11.00 a.m. to 2.00 p.m. and shall also make himself available for interrogation by the police as

and when required under written intimation to that effect, till filing of the charge sheet.

- (ii) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer or tamper with the prosecution evidence.
- (iii) He shall not in future commit an offence similar to the offence with which he is charged or any other offence, in default, the prosecution will be at liberty to apply for cancellation of his bail.

- 3. Inform the concerned Police Station, accordingly.
- 4. The Anticipatory Bail Application No.1527/2018 stands disposed off, accordingly.

Date: 15.01.2019

(H.B.Gaikwad)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi
Goregaon, Mumbai

Dictation given directly on computer on : 15.01.2019
Checked and signed by HHJ on : 15.01.2019

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

UPLOAD DATE
AND TIME : 15.01.2019 5.50 p.m.

ATUL SURYAKANT BHOGTE
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri H.B.Gaikwad (Court Room No.9)
Date of Pronouncement of Judgment/Order	15.01.2019
Judgment/Order signed by P.O. on	15.01.2019
Judgment/Order uploaded on	15.01.2019