

ABA 317/2021

::1::

MHCC050010862021



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 317 OF 2021
(C.R.NO.74/2021)
(CNR NO.MHCC05-001086-2021)**

1. Mr. Pramod Prakash Pawar

Age 30 years, Occ : Service,

2. Mr. Prakash Atmaram Pawar

Age 63 years, Occ : Retired,

3. Mrs. Gulab Prakash Pawar

Age 61 years, Occ : Housewife,

All 1 to 3 residing at C-45,

Dattani Park, Building No. 1, Opp. Saidham,

Western Express Highway, Kandivali (East),

Mumbai – 400 101.

...Applicants/Accused

V/s.

The State of Maharashtra

Through Samata Nagar Police Station,

C.R.No.74/2021.

....Respondent

Ld. Advocate Mr. Ashok Yadav for the Applicant/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 : 29TH SEPTEMBER, 2021.

O R D E R

This is an application u/s. 438 of the Criminal Procedure Code 1973 filed by Applicants/accused Pramod Prakash Pawar, Prakash

Atmaram Pawar and Gulab Prakash Pawar for grant of Anticipatory Bail.

2. Court perused the application and the reply filed. Heard Ld. Advocate Mr. Ashok Yadav for the applicants/accused & Ld. APP Smt. R. S. Kanojia for the State.

3. Initially this matter was referred for mediation. It could not be worked out, due to pandemic Covid 19. Thereafter, intervenor is continuously absent, therefore, this Court had passed an order on 03.08.2021 that if the intervenor remains absent on next date, Court will hear the Ld. Advocate for applicant and Ld. APP for the state and shall pass appropriate order on merits. Today also the intervenor is absent. Consequently, Court heard Ld. Advocate Mr. Ashok Yadav for the Applicant/accused and Ld. APP Smt. R. S. Kanojia for the State. Went through the FIR and other available record.

4. All the accusation in this case are regarding subjecting cruelty to the informant Smt. Kamini. Those can be directly deposed before the Ld. Trial Court. For said purpose, nothing is to be discovered at the instance of applicants/accused nor to be recovered from them. Therefore, this is fit case to grant anticipatory bail. Applicants/accused are resident of Kandivali and can be available for the trial. There are no criminal antecedents against them. There is possibility of their threatening to the informant. However, that can be taken care of by suitable terms and conditions. Hence, following order.

ORDER

1. Anticipatory Bail Application No. 317 of 2021 is stands conditionally allowed.

2. In the event of arrest, in aforesaid C. R. No. 74/2021 for the offences punishable under sections 498(A), 341 r/w 34 of the Indian Penal Code, 1860 registered with Samata Nagar Police Station, applicants/accused **Pramod Prakash Pawr, Prakash Atmaram Pawar, Gulab Prakash Pawar, Dipti Manohar Mali** 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 their accepting following terms and conditions-

- a) They shall provide their respective identity proofs, address proofs, mobile phone numbers with bail papers.
- b) They shall not tamper the prosecution witnesses in any way.
- c) They shall attend Samata Nagar Police Station on every Wednesday between 11.00 a.m. to 1.00 p.m. till the end of October, 2021 and thereafter if Investigating officer specifically calls for, till the end of November, 2021 and shall co-operate in the investigation.
- d) They shall not commit similar offence during on bail period.
- e) They shall attend the trial regularly.

(Dictated and pronounced in open Court)

Sd/-

Date: 29.09.2021

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

Dictated on	: 29.09.2021
Transcribed on	: 30.09.2021
Checked & corrected on	: 04.10.2021
Signed on	: 04.10.2021
Sent to Dept. on	:

ABA 317/2021

::4::

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

Date : 05/10/2021

Time : 11.10 A.M.

UPLOAD DATE AND TIME

Ms. Tejal C. Rane

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

**HHJ D.D.KHOCHE
(Court Room No.13)**

Date of Pronouncement of
JUDGMENT/ORDER

29.09.2021

JUDGMENT/ORDER signed by P.O. on

04.10.2021

JUDGMENT/ORDER uploaded on

05.10.2021