

MHCC050064022022



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

ANTICIPATORY BAIL APPLICATION NO.1917 OF 2022
IN
C.C.T.N.S NO.870 OF 2022

1. MRS. SNEHAL ABHIJIT PATIL @
SNEHAL ARUN MULE,
Age : 27 years,

2. MR. ARUN ACHYUT MULE,
Age : 54 years,

3.MR.SUNITA ARUN MULE,
Age : 54 years,

4.MR.PRITAM ARUN MULE,
Age : 29 years,

All having address at :
Vill : Pagari, Tel-Barshi,
Dist : Solapur.

5.MR. NANDKUMAR PATIL,
Age : 55 years,

6.MRS.YASHODA PATIL,
Age : 52 years,

Both having address at :
216/1725, Road No.6, Motilal Nagar,
Goregaon, Mumbai.

...Applicants/accused

V e r s u s

The State of Maharashtra
(Amboli Police Station)

...Respondent.

Mr. Ramesh Mishra, Advocate for the Applicants/accused.
Shri Narendra Sankpal, Advocate for the intervener.
Shri Sachin Jadhav, A.P.P for the State.

CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai.
(C.R.NO.9)

DATE : 13th December, 2022

O R D E R

1. The present application is filed by the applicants/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.4 etc. Heard the learned Advocate Mr. Ramesh Mishra for the applicants/accused, the learned advocate Shri Narendra Sankpal for intervener & the learned APP Shri Sachin Jadhav for the State. I have gone through the record, the case diary, say of the police, Intervener application Exh.05 and the documents. It is seen that the offence came to be registered against the present applicants/accused vide C.C.T.N.S NO.870 of 2022 at Amboli police station u/s 92(a), (b), (c), (e) of Rights of Persons with Disability Act,2016.

2. It is pertinent to note here that the report lodged by the complainant namely Dr.Ajitkumar Gorkhnath Patil alongwith the statements of the witnesses and the documents filed by the parties on record etc shows that the complainant is the Scientist and old aged person and the accused No.1 is the daughter in law of the complainant,

the accused Nos.2 to 4 are the parents and brother of the accused No.1 and the accused No. 5 is the brother of the complainant and the accused No.6 is the wife of the accused No.5. It is contended by the complainant that he is 100% cripple and old aged person and he can not move anywhere but the accused No.1 alongwith the accused Nos. 3 to 6 alleged to have been mentally as well physically harassed him and the accused No.1 filed the false complaint against him by making false allegations whereby the complainant lodged the report in which the police registered the offence and investigated the matter.

3. Obviously, the complainant is the Scientist and old aged person and the accused No.1 is the daughter in law of the complainant, the accused Nos.2 to 4 are the parents and brother of the accused No.1 and the accused No. 5 is the brother of the complainant and the accused No.6 is the wife of the accused No.5 but the accused No.1 has lodged the false report against her husband including the complainant under section 498-A etc of the Indian penal code. No doubt, there is exchange of the reports against each others and alleged harassment on the part of the accused and the complainant requires detail evidence on merit but the offence is relating to matrimonial.

4. Needless to say that nothing has to be seized from the applicants/accused but the applicants/accused are the permanent resident of Solapur and Mumbai & the Investigating Officer can investigate the matter without the presence of the applicants/accused and no prejudice would be caused to the case of the prosecution. The applicants/accused are ready to abide all the terms & conditions imposed by the Court & thus the purpose of the Investigating Officer would be solved if some reasonable conditions are imposed.

5. In such circumstances, I am of the view that this is the fit case in which the applicants/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 allowed.

The applicants/accused **1. MRS. SNEHAL ABHIJIT PATIL @ SNEHAL ARUN MULE, 2. MR. ARUN ACHYUT MULE, 3. MR. SUNITA ARUN MULE, 4. MR. PRITAM ARUN MULE, 5. MR. NANDKUMAR PATIL & 6. MRS. YASHODA PATIL** be released in the C.C.T.N.S NO.870 of 2022 u/s 92(a), (b), (c),(e) of Rights of Persons with Disability Act, 2016 registered by Amboli Police Station on furnishing P.R & S.B of Rs.15,000/- (Rupees Fifteen Thousands Only) each with one surety in the like amount in the event of the arrest.

The applicants/accused shall not tamper with the prosecution evidence in any manner & shall present before I.O as & when called at P.S.

(A.Z.Khan)
Additional Session Judge,
Borivali Div, Dindoshi,
Mumbai.

Date :13.12.2022.

Dictated on : **13.12.2022.**
Typed on : **13.12.2022.**
Signed on : **13.12.2022.**

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

13.12.2022 at 05.30 P.M. (Ashok S. Sugdare)
 UPLOAD DATE AND TIME NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.9)
Date of Pronouncement of JUDGMENT/ ORDER	13.12.2022
JUDGMENT/ORDER signed by P.O. on	13.12.2022
JUDGMENT/ORDER uploaded on	13.12.2022