

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4842 OF 2015

Khaled s/o Mohammed Ayyub,
Age 37 years, Occu. Business,
R/o Labour Colony, Nanded,
Taluka and District Nanded

..Applicant

Versus

The State of Maharashtra,
through Investigation Officer,
Itwara Police Station,
Taluka and District Nanded

..Respondent

Mr Zia-Ul-Mustafa, Advocate for applicant
Smt. M.S. Patni, A.P.P. for respondent

CORAM : A.I.S. CHEEMA, J.

DATE : 22nd September 2015

PER COURT

Heard learned Counsel for the applicant and learned A.P.P. for the State.

2. It is stated on behalf of the applicant that false case has been filed against the applicant. Learned Counsel referred to the contents of the first information report to submit that nothing was seized from the applicant and demand was made by the another accused Shaikh Javed, who was arrested on the spot. According to learned Counsel for the applicant, although first information report claims that the present applicant ran away from the spot, this is not reflected in the police custody remand, which was sought by the Police when the another accused Shaikh Javed was produced before the Magistrate and thus, according to learned Counsel the claim of the prosecution that present applicant was involved in the offence, is not reliable.

Learned Counsel further submitted that whatever was to be seized has already been seized and nothing is to be recovered. There is no dispute regarding identification also thus, custodial interrogation of the applicant is not necessary.

3. Learned A.P.P. on behalf of State submitted that the applicant claims to be the President of Bhrashtachar Nirmulan Va Manav Adhikar Samiti and in that process, the accused obtained information from the Corporation using Right to Information Act and after obtaining the information, they tried to extort money from the complainant, who contacted the Police and the incident took place regarding which first information report was filed. Learned A.P.P. opposes the application for anticipatory bail.

4. Learned Counsel for the applicant submits that the other accused involved and caught on the spot has already been granted bail and so, the applicant should be granted anticipatory bail.

5. On going through the facts of this matter relating to extortion, where the complainant has given detail description even of serial numbers of currency notes and considering the facts of the matter as well as the manner in which the information was taken out for extortion and accused ran away, I do not feel that this is an appropriate matter where the extra ordinary powers of granting anticipatory bail should be invoked. The applicant cannot claim parity with the other accused who was arrested on spot.

6. There is no substance in the application. The same is rejected.

(A.I.S. CHEEMA, J.)

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