

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 51 OF 2015

Santosh Kumar Sabhajit Pandey. ... Applicant.

Versus

The State of Maharashtra & ors. ... Respondents.

Mr. Shirish Gupte, Sr. Counsel i/b. Mr. Prakash Aher, advocate for Applicant.

Mr. J.H. Ramugade, APP for State.

Mr. D.A. Nalawade, advocate for Union of India.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 17, 2015

P.C.:

1 Heard the learned Counsel for the applicant, learned Counsel for Union of India and the Learned APP for the State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 231 of 2014 registered at Silvassa Police Station for

offence punishable under Section 384, 385 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that one Mr. Sajjan Ranjit Kumar Rakshit was arrested by the police in C.R. No. 225 of 2014 on 18/12/2014 allegedly for offence punishable under Section 406, 420, 468, 409 read with Section 34 of the Indian Penal Code. While the accused was in police custody he had disclosed that he had started a company in the name and style of “Altimate Industrial Private Limited”. It is alleged that the present applicant had called upon the said accused person. It is alleged that the present applicant had demanded Rs. 5 Lakhs from Sajjan Ranjit Kumar Rakshit. It is also alleged that the applicant had published an advertisement of the complainant's company on the front page of his newspaper and that the agent of the complainant company had visited the office of the applicant. The applicant had agreed to accept an amount of Rs. 3 Lakhs. It prima facie appears that the applicant had issued a receipt in favour of Altimate Industries Private Limited for publishing their

advertisement in the newspaper. The receipt was issued on 28/1/2014. It also apparently appears that the applicant had given quotation for the advertisement tariff. Hence, it can be prima facie said that he had accepted the said amount towards advertisement tariff of the Altimate Industries Private Company.

4 In the facts and circumstances of the case, custodial interrogation is unwarranted. Hence, the applicant deserves pre-arrest bail.

5 The observations made hereinabove are prima facie in nature and the same shall not be considered while deciding an application for discharge or for quashing of FIR or at the time of trial.

6 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 231 of 2014, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)