

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 207 OF 2015

Sanjay D. Bhoir. ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

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Mr. A.P. Mundargi, Sr. Counsel a/w. Mr. Harshad Bhadbhade,  
advocate for applicant. .

Ms. R.M. Gadhavi, APP for State.

Mr. N.K. Kulkarni, Inspector of police, Anti Extortion Cell, Crime  
Branch, Thane.

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**CORAM : SMT. SADHANA S. JADHAV,J**  
**DATE : JUNE 18, 2015**

**P.C.:**

1 Heard the learned Senior Counsel for the applicant, Learned  
APP for State. Perused papers.

2 This is an application under Section 438 of the Code of Criminal  
Procedure, 1973. The applicant is apprehending his arrest in Crime  
No. 478 of 2014 registered at Kapurbawadi Police Station for offence

punishable under Section 395, 364A, 341, 342, 387, 504, 506, 120B of the Indian Penal Code.

3 It is the case of the prosecution that on 27/12/2014 one Shubham Shrivastava lodged a report at the police station alleging therein that he is working with his uncle namely Jeet Narayan Shrivastava who is the proprietor of M/s. J.D. Corporation. According to him, they supply security services to various industries. Accordingly, they had also given security service to Jayendra Gala. Bills were not paid by Jayendra Gala. To recover the said bills amount, proprietor Jeet Narayan Shrivastava has asked the complainant to go to the office of Jayendra Gala. He alongwith Chandrakant Pawar, Sandeep Salve, Shamsunder Tavade had gone to office of Jayendra Gala on two motor cycles. Jayendra Gala had made payment of Rs. 9,90,000/- by cheque. Alongwith cheque complainant had been to G.P. Parsik Bank. He had encashed the said cheque given by Jayendra Gala. He was to make payment to the staff of the company. When they had come in front of the bank at

Maziwada at 1.30 p.m., suddenly one Innova car bearing No. M.H. 04/777 approached there. 5 to 7 people came out and forced him to seat in that car. He was assaulted. He was taken to the office of the applicant. The complainant was restrained from meeting his uncle. Phone call was made to the uncle of the complainant demanding ransom of Rs. 20 Lakhs for the safety of the complainant. Thereafter, the applicant is alleged to have received a phone call from some person and therefore, after 20 minutes the complainant was released from the office of the applicant. The complainant has further alleged that he had learnt from his uncle that on earlier occasion also present applicant also threatened his uncle since he was conducting his business in the area of the applicant.

4 Perused the papers of investigation including the C.C.T.V. footage of the office of the applicant. It appears that the complainant had alighted from Innova car on his own. He had voluntarily walked up to the office of the applicant without being safeguarded or threatened by any person. That according to the complainant, the

applicant had snatched Rs. 9 Lakhs from the complainant under coercion and was detained. However, the C.C.T.V. footage of the office of the applicant would clearly indicate that the complainant was sitting comfortably in the office of the applicant. There appears to be some transaction between the applicant and the complainant. The applicant happens to be Municipal Councilor of Dhokali area. The report was lodged by the complainant at Vashi and registered at zero number and thereafter it was transferred to Kapurbawadi Police Station as the office of the applicant is situated at Kapurbawadi.

5 The learned APP submits that soon after the incident, it was noticed that the applicant and his associates had pushed the complainant into Innova car. One of the associates of the complainant namely Chandrakant Pawar called upon the police at 100 number. The police had instantly gone to the spot. Phone call at 100 number was received at the control room and Shri Salvi was deputed to the spot of incident. It is pertinent to note that Shri Salvi had called upon the applicant and enquired with him as to whether

such an incident has occurred and he had answered in the negative. Thereafter, no action was taken against the present applicant nor any effort was made to record the statement of the people who had seen the incident. The offence was registered at about 10.30 p.m.

6 Perused the statement of the proprietor of the firm i.e. uncle of the complainant. Uncle of the complainant was at Vashi. He had received the phone call at about 1.30 p.m. from the applicant demanding ransom. The demand of ransom was made approximately at about 1.30 p.m. when the complainant was in the office of the applicant. However, no steps were taken by the uncle of the complainant to report the same instantly to Vashi Police Station. It was only after release of the complainant that the complainant had been to Vashi and lodged report.

7 Learned Senior Counsel submits that there are various reasons for falsely implicating the present applicant. According to the learned Senior Counsel, on 26/12/2014 initially, an authority letter was given

to the applicant to recover the amount from Gala. On 26/12/2014 uncle of the complainant told the applicant to collect money from Shri Gala and on the very next day, the said authority letter was cancelled. The Counsel for the applicant submits that there can be political reasons for implicating the present applicant.

8 Be that it may, offence under Section 364A of the Indian Penal Code is prima facie not made out. Upon perusal of the papers of investigation, especially, C.C.T.V. footage and upon hearing submissions of learned Senior Counsel, this Court is inclined to grant pre-arrest bail to the present applicant.

9 However, the above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or quashing of FIR or at the time of trial. The trial Court shall decide the matter on its own merits uninfluenced by the abovesaid observations.

10 Hence, following order is passed.

**ORDER**

(i) The application is allowed.

(i) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station from 23/6/2015 to 29/6/2015 between 5 p.m. to 7 p.m. and cooperate with the investigating agency to the best of his capacity.

(iii) The applicant shall not enter into Vashi area for a period of four weeks.

11 The application is disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**