

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 521 OF 2015

Julfikar Yasin Behlim. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sandeep D. Sherkhan, advocate for Applicant.

Ms. S.S. Kaushik, APP for State.

Mr. Surulkar, Sr. P.I. Traffic Branch, Worli.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 8, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested in Crime No. 698
of 2013 registered at Santacruz Police Station for offence punishable

under Section 387, 506(II) read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 28/11/2013 one Adib Shaikh lodged a report at the police station alleging therein that he is working as supervisor in HDIL company. Suresh Palav, Prafulla Joshi and others are working with him at different sites. Sachin Kadam and Satish Sonar are working as office boys. One Yusuf Sandu Pathan used to look after the affairs of the company by visiting the sites. 10 to 12 days prior to lodging of FIR present applicant used to visit the office alongwith 3 to 4 boys. He used to call the employees from the office and enquire with them about the whereabouts of Yusuf Sandu Pathan. He was also warning the complainant as to whether he has given message to his employer. He was demanding Rs. 8 Lakhs for getting his brother enlarged on bail. He threatened the complainant of dire consequences. That, he had informed the complainant that he was armed with revolver. The complainant was fully aware that the applicant had been released from jail a few days ago after he had

served his sentence for an offence punishable under Section 323 of the Indian Penal Code. On the same day, driver of Yunus Pathan also informed him that about 7 p.m. he had also visited the site of HDIL. He had threatened Riyaz Khan. On the basis of the said report, Crime No. 698 of 2013 was registered. Investigation is completed and charge-sheet is filed.

4 The learned APP filed an affidavit and has submitted that the applicant has criminal antecedents and therefore, he does not deserve to be enlarged on bail.

5 It is pertinent to note that the present applicant has been shown as an accused in C.R. No. 698 of 2013 registered at Santacruz Police Station for offence punishable under Section 387, 506(ii) read with 34 of the IPC. Crime No. 700/13 is registered against the applicant at Santacruz Police Station for offence punishable under Section 387, 506(2), 427 read with Section 34 of the IPC. Crime No. 706/13 is registered against the applicant at Santacruz Police Station for offence

punishable under Section 436, 379, 427 of the IPC. Crime No. 175/14 is registered against the applicant at Santacruz Police Station under Section 143,144, 145, 147, 148, 149, 450, 427, 387, 307, 120(b) of IPC, 4, 25 Arms Act with 37(1), 135, MCOCA-1999, 3(1), 3(2), 3(4). It is apparent on the face of the record that Crime Nos. 698/13, 700/13, 706/13 have been registered at short interval for the same offences and that is for threatening Yusuf Sandu Pathan and demanding Rs. 8 Lakhs and on the basis of the same offence, the applicant is being prosecuted under the provisions of MCOC Act. The complainant in the 3 cases are the employees of Yunus Sandu Pathan. It is apparent that they had all gone to the same police station one after another and reported the offence.

6 The learned Counsel for the applicant submits that the applicant had not indulged into any offence much less extortion. The learned Counsel further submits that the applicant is being falsely implicated.

7 The punishment contemplated for offence punishable under Section 387 of the IPC is rigorous imprisonment which may extend to 7 years. The applicant has been in jail for about 19 months and hence, he deserves to be enlarged on bail.

8 The above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned trial Court shall decide the matter uninfluenced by the observations made by this Court.

9 Hence, following order is passed.

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.

(iii) The applicant shall report to the Santacruz police station on 1st Sunday of every month between 11 a.m to 1 p.m. and cooperate with the investigating agency to the best of his capacity.

(iv) The applicant shall not leave Mumbai without prior permission of the Court.

(v) The applicant shall not reside or visit the jurisdiction of Santacruz Police Station for 6 months from the date of release on bail. The applicant shall furnish the address where he is going to reside, telephone number, mobile number in the concerned police station.

10 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)