

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.548 OF 2015

Istakhar Nasir Siddique alias .Applicant
Baba Siddique

V/s.

The State of Maharashtra .Respondent

Mr.S.S.Karmarkar, Advocate, for the Applicant
Mr.S.H.Yadav, APP, for the Respondent - State

CORAM : REVATI MOHITE DERE, J.

DATE : 22ND APRIL, 2015

P.C.

. Heard the learned counsel for the applicant and the learned APP for the respondent – State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.52 of 2015 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 170, 420, 506 r/w.34 of the Indian Penal Code, Sections

3 & 25 of the Arms Act and under Section 66(d) of the Right to Information Act.

3. According to the complainant Meenakshi Kalika, she was introduced by her friend Amit to the co-accused Ashish alias Samrat Upadhyay on 05.02.2015. The complainant has stated that as she was working for an NGO and was doing social work, she was in need of a pistol for her self protection. It is alleged by the complainant that co-accused Samrat introduced the present applicant, who disclosed to her that he would arrange for a pistol as well as the license for the same, on payment of Rs.3,00,000/-. She has alleged that the applicant had disclosed to her that out of Rs.3,00,000/-, a sum of Rs.2,65,000/- would be for the pistol and the balance was to be paid to various officers. It is alleged that the person showed his own pistol along with the license. She has alleged that on 07.02.2015, a sum of Rs.50,000/- was given as advance by her

to the co-accused Samrat and the balance amount of Rs.1,00,000/- was also subsequently paid by her to Samrat. According to the complainant, after making the aforesaid payments, she received a call from a landline number, which she identified as the landline number of the Police Commissioner's office as she had earlier stored the number. She has alleged that the present applicant told her that he would arrange the pistol and license for her, and in the course of conversation gave the phone to a person, stating that he was the Police Commissioner. She has alleged that as she has earlier spoken to the Police Commissioner, she realized that the voice was different. She has further stated that the said person, who was speaking as the Police Commissioner asked her for what purpose the weapon was required and assured her that he would give the license to her. According to the complainant, thereafter, in spite of making the aforesaid payments, she neither

received the weapon nor the license for the same, and hence she lodged the aforesaid complaint.

4. The learned counsel for the applicant contended that the applicant is a businessman and that his custody is not required and that he is ready to co-operate with the investigation. He submitted that custody of the applicant is not required for recovery of Rs.50,000/- from the applicant, which was allegedly paid by the co-accused Samrat to the applicant.

5. The learned APP opposed the application. He contended that the nature of allegations are serious and that the custody of the applicant is required for unearthing the modus operandi adopted by the applicant.

6. It appears that the applicant had called the complainant from crazy dial, where

the number that appeared on the complainant's screen, was that of the Police Commissioner's office, though in fact the call was not made from the office. The applicant is alleged to have made the complainant speak to a person, allegedly the Police Commissioner. It is necessary to find out who the person was.

7. The nature of allegations are serious. Considering the peculiar facts of the case, custodial interrogation of the applicant is necessary. Accordingly, the application is rejected.

8. It is made clear, that if the application for regular bail is filed, the learned Judge shall not be influenced by the observations made in the said order, and decide the application on its own merits, in accordance with law.

(REVATI MOHITE DERE, J.)