

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1261 OF 2015

Mandar Ajot Borkar

...Applicant

V/s.

The State of Maharashtra

...Respondents.

Mr. S. V. Marwadi i/b Kartik S. Garg for the Applicant.

Mrs. P. P. Shinde APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATED : 27th AUGUST, 2015.

P.C.

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

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.415/2014 registered initially with the Borivili Police Station on 18/10/2014, alleging offences punishable under section 387 r/w. 34 of IPC. Subsequently, the investigation was transferred to the Anti-Extortion Cell, Crime Branch CID and the aforesaid CR was renumbered as C.R. No.96/2014.

3. A complaint has been lodged by one Kutubdin Salahuddin Shaikh. He has alleged that on 17/10/2014 he met some of his friends

and that one of his friend Chilya called the present applicant and asked the complainant to speak to him. It is alleged that the present applicant threatened the complainant and demanded extortion money. It is alleged that the complainant was asked by the applicant to resolve the dispute relating to Dahisar property, if the complainant was unable to pay the said extortion money. This is the only allegation as against the applicant.

4. Learned counsel for the applicant submitted that the applicant was summoned by the Crime Branch and that the applicant attended the Crime Branch Unit on three occasions. He submitted that the applicant was directed to execute a bond under section 110 of Cr.P.C. which was executed by him on 3/3/2015 and that despite the same, the applicant is apprehending arrest in the aforesaid CR.

5. Learned APP on the instructions of the officer who is present states that the only allegation, as far as present applicant is concerned, is as stated hereinabove. She does not dispute the fact that the applicant had executed a bond u/s.110 of Cr.P.C. She submits that there are 9 cases registered as against the applicant.

6. Learned Counsel for the applicant submits that out of 9 cases, the applicant has been acquitted in 6 cases. However, considering the merits of the matter and the fact that the applicant had attended the Crime Branch Unit and has executed a bond u/s.110 Cr.P.C., after the registration of the FIR and considering the nature of allegations made as against the applicant, the custody of the applicant is not necessary. Accordingly, the applicant is granted pre-arrest bail on the following terms and conditions:

ORDER

- (i) In the event of arrest, the applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
 - (ii) The applicant shall attend the concerned police station, on first Saturday of every month, between 11.00 a.m. to 2.00 p.m. for a period of 12 months from today;
 - (iii) The applicant shall not tamper or attempt to influence the complainant or any person concerned with the case.
7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)