IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.202 OF 2016

Santosh Tulsidas Annam .. Applicant

v/s.

The State of Maharashtra. .. Respondents

ALONGWITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.203 OF 2016

Anand Tulsidas Annam .. Applicant

v/s.

The State of Maharashtra. .. Respondents

Mr. Shrishail Sakhare, Adv. i/b. Tejal Poyrekar, Adv. for the Applicant
Mr. D.P. Adsule, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 03, 2016.

P.C.

1. These are the applications for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No.284 of 2015 registered with MIDC Police Station, Solapur for offences punishable under Section 452, 386,504, 506 r/w. 34 of the Indian

Penal Code.

2. Mr. Sakhare, the learned counsel for the applicant submits that the applicants herein had given loan of Rs.10 lakhs and Rs.5 lakhs to the complainant, and that since the cheques issued by the complainant had dishonoured, the applicants had initiated proceeding under Section 138 of the N.I.Act and had also filed suit for recovery of the said amount. He submits that the complainant has falsely implicated them in view of filing of the said complaint and the recovery suit.

3. The learned APP for the State submitted that the FIR prima facie discloses the offence as alleged. He has further submitted that the applicants herein had compelled the complainant to take drastic steps of committing suicide. He has submitted that the offence is of serious nature and that the presence of the applicant is required for custodial interrogation.

4. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The FIR lodged by one Bachuyya Kurapati prima facie indicates that at his request the applicants herein had advanced

loan to one Asif bhai on payment of interest @ 20% per months. Said Asifbhai failed to repay the loan and since the complainant had introduced Asifbhai to the applicants herein, the applicants started pressurizing him to repay the said loan amount. The complainant has stated that the applicants had compelled him to hand over some blank cheques as well as bonds for recovery of the loan amount. The complainant was compelled to pay to the applicant an amount of Rs.1,91,500/-. Because of continuous threats and furthermore unable to cope up with the continuous threats and pressure by the applicants, he consumed pesticide and attempted to commit suicide. He was thereafter admitted to the hospital on 1.9.2015 by his sister-in-law and that the applicants visited him while he was admitted in the hospital and pressurized him to repay the loan paid to the said Asifbhai.

5. The FIR further reveals that on 2.9.2015 the applicants herein had visited the house of the complainant and taken away the property documents, blank signed cheques of IDBI Bank, gold ornaments of his wife, keys and R.C. Book of Toyato Qualis bearing No. MH 13 N 8948, Matis Car No. MH 25 A 1248 as well as of

Honda Activa scooter bearing no. MH 13 MH 5559 etc. The applicants are also alleged to have threatened to set the complainant on fire in case he did not repay the amount paid to said Asif Bhai.

6. The statements of the witnesses also prima facie reveal that the applicants were pressurising and threatening the complainant to repay the money which was paid to Asif and that the complainant had attempted to commit suicide by consuming pesticide. The statement of the witnesses also prima facie indicate that the applicants herein had entered the house of the complainant and had taken away the valuable articles belonging to the complainant.

7. The material on record therefore prima facie reveals that the applicants were involved in committing the offences which are of serious nature. The case needs to be investigated thoroughly. The nature of the allegations levelled against the applicants do not justify grant of bail. Hence the applications are dismissed.

(ANUJA PRABHUDESSAI, J.)