

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.489 OF 2016

Harish Rama Mandavikar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Milan Desai i/b Saeeda Shaikh for the Applicant
Ms.Rutuja Ambekar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 17, 2016**

P.C.:

1. This application is moved for pre-arrest bail as the applicant-accused is facing charges under sections 387 r/w 34 of the Indian Penal Code and under section 3, 25 of the Indian Arms Act in C.R. No.415 of 2014 registered with the Borivli police station, Mumbai at the instance of one Kutbuddin Shaikh. It is the case of the prosecution that the applicant-accused extorted money through his associates. His associates have given threats to the complainant that if at all protection money was not given to the applicant-accused, the applicant-accused had given directions to his associates to murder him. Thereafter, the associates of the applicant-accused threatened the complainant continuously. The complainant has given instances of these threats which have taken place

in December, 2013, January, 2014, October, 2014, and on 17.10.2014 pursuant to which, the offence was registered.

2. The learned Counsel for the Applicant has submitted that this is a false case against the applicant-accused. The applicant-accused is a life convict since 2011 for the offence punishable under section 302 of the Indian Penal Code. Now the applicant-accused will be coming out on parole and, therefore, the police have initiated action against him. The learned Counsel for the applicant-accused has submitted that if the applicant-accused is not given pre-arrest bail, then, his rights of parole will be frustrated. The learned Counsel further submitted that he has right to be on parole and if the protection is not granted to him, he will be deprived of the same.

3. The learned Prosecutor has opposed the application. The Investigating Officer, however, is not present.

4. Perused the FIR cum remand report, which was submitted before the Additional Metropolitan Magistrate, 37th Court, Mumbai in the present C.R. The remand report is of 30.10.2014. This discloses the name of the applicant-accused Harish Mandavikar as a wanted accused. In the remand report, the police have specifically stated while asking for police custody for the co-accused, that the wanted accused Harish Mandavikar is in Kolhapur jail and from there, he is operating his underworld activities.

5. Under such circumstances, I am of the view that this is not a case to grant pre-arrest bail. Application is rejected.

(MRIDULA BHATKAR, J.)