

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.567 OF 2016

Dayanand Shankar Taral ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. R.S. Dave i/b. Ms. Maya Dave, for the Applicant.

Mrs. Rutuja Ambekar, APP for Respondent – State.

Mr. D.S. Patil (P.I.), Versova police station present.

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

DATE: **5th APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 364(A), 386, 395, 323 and 120(B) of the Indian Penal Code in C.R. No. 366 of 2015 registered with Versova police station, Mumbai. The offence is registered at the instance of one Chetan Parekh on 30th October, 2015.

2. It is the case of the prosecution that the complainant is involved in the business of film production. He came in contact with

one Ranjit Negi who runs Hariom film production company. It is the case of the complainant that in December, 2014 he met with Sandip Shukla and Sarbjeet Singh for production of films. The complainant came into an agreement for finance for the production of a film. Thereafter said Sandip Shukla and Sarbjeet Singh deposited 25 Crores and again 3.03 Crores in the account of the company of complainant. There were continuous business transactions between the company of the complainant and Sandip Shukla and Sarbjeet Singh who are the co-accused in this case. During the course of said transactions, there was dispute between the complainant and the co-accused in respect of payment of money. It is further case of the complainant that, on 21st October, 2015 some persons arrived in his office. They represented that they are police. They took away the cell phone and also cash amount of Rs. 50,000/- which was kept in the bag of the complainant. So also they took away cell phone of his colleague Ranjit Negi. They introduced themselves that they are police officers from Versova police station. One police personnel showed his identity card. Thereafter, they put the complainant and his associate in a car. The said car was owned by co-accused Sarbajit and they were taken to Versova police station. They were put in the

conference room of the police station where the complainant was threatened there. The police officer directed the complainant to put signature and thumb impression on blank stamp papers of Rs. 100/- and Rs.500/-. They made him to write that the complainant has deposited Rs. 2.86 Crores in the accounts of HDFC bank and Canara Bank by RTGS. He was also forced to write about what he has done with the remaining amount out of Rs. 3.03 Crores. He was threatened by the co-accused in presence of the police officer. It is the case of the complainant that the police officer who threatened them and who showed his identity card was the applicant/accused. The complainant read the name on his name plate. Thereafter, again on 28th October, 2015 he was taken to the office of one Bobby Singh and at that time again his signature on the blank cheques and on blank papers were obtained by force. Hence, he lodged the offence.

3. The learned counsel for the applicant/accused has submitted that the applicant is innocent. It is the case of the mistaken identity. He further submitted that in the Writ Petition No. 485 of 2016 the complainant has filed an affidavit and has mentioned that he has no grievance against the applicant/accused and he has no

objection if the complaint is quashed qua applicant/accused. The learned counsel for the applicant has submitted that the complainant has also sent one letter dated 16th January, 2016 through his lawyer to the investigating officer informing him that he wanted to withdraw the case against the applicant/accused. Hence, the applicant/accused be granted pre arrest bail.

4. The learned prosecutor oppose the application. She submits that the applicant/accused is a police officer who was present at the time of incident. The affidavit which is filed before the Division Bench of this Court though is voluntary, the name of the applicant/accused, a police officer is mentioned in the first information report. She further submitted that Writ Petition was subsequently withdrawn and it was mentioned that he would file application for discharge before the Metropolitan Magistrate Court however, it was not filed till today.

5. Perused the first information report. The name of the applicant/accused is mentioned by the complainant. It is also mentioned that the complainant read the name of the

applicant/accused on the name plate on his uniform. It is a case of extortion. At the time of incident, the applicant/accused was present. He took the complainant to Versova police station. On query, I am informed that the applicant/accused was attached to Versova police station and working as A.P.I. at the relevant time. This is the offence against the State. It appears from the first information report, that the applicant/accused has abused his power as a police officer. It is a serious offence. Hence, I am of the view that no pre arrest bail can be granted.

6. Hence, anticipatory bail application stands rejected.

7. The learned counsel for the applicant/accused wants to challenge the order before the Hon'ble Supreme Court. Hence, the interim protection granted earlier to continue till 29th April, 2016.

(MRS.MRIDULA BHATKAR, J.)