

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

CRI. BAIL APPLICATION NO. 839 OF 2016

Satish Dnyanoba Shinde ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Vikas B. Shivarkar, Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the State.

CORAM : A. M. BADAR, J.

DATE : 23rd JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. 254 of 2015 registered with Sinhagad Road Police Station, Pune, at the instance of informant-Sadanand S. Shetty, for the offence punishable under sections 395, 385, 387, 323, 506 (2) r/w. 34 of the Indian Penal Code and under section 4 r/w.25 of the Arms Act, by this application is seeking pre-arrest bail.

2 Heard the learned counsel appearing for the Applicant/accused as well as the learned APP for the State. Learned counsel for the applicant argued that in other offence, the applicant is already acquitted. He further argued that main accused in this crime is one-Banty Pawar and no specific role is assigned to the present applicant. It is further argued by the learned counsel for the applicant that perusal of the FIR

shows that the same was lodged by the informant only after reading the news in the daily newspaper regarding arrest of Banty Pawar and his associates. Learned counsel for the applicant submitted that in that offence, the present applicant was not arrested. Therefore, according to the learned counsel, the applicant is entitled for bail.

3 As against this, the learned APP argued that the offence committed by the applicant is serious and the applicant is having criminal antecedents.

4 Perused the charge-sheet. Apart from FIR lodged there are statements of the eye witnesses to the incident in question. The investigating officer has recorded statements of eye witnesses viz. (i) Suresh R. Desai, Manager of Hotel Malhar, (ii) Rushikesh Mahesh Patil, Assistant Manager of the said Hotel, (iii) one Abhijeet Gurupada Viswas, Manager of Malhar Hotel and (iv) Sachin Shantaram Sapkal, Waiter of the said hotel. Perusal of the FIR as well as statement of the witnesses goes to show that the present applicant and his associate including main accused -Banty Pawar were threatening the owners of the Hotel Malhar to pay an amount of Rs.25,000/- per month for running the hotel. They used to extend threats to the owner of the hotel as well as manger. The incident of extending threats for extorting 'Hafta' of Rs. 25,000/- is seen from the charge-sheet. Name of the applicant

is categorically mentioned in the statement of witnesses including the FIR. The charge-sheet reflects that owner of the said hotel because of the fear of the gang of which the present applicant is a member, could not lodge report against them. Ultimately, on 26.06.2015 the applicant and his associate barked inside the Hotel Malhar and assaulted the owner thereof. The hotel was ransacked in order to extort amount of Rs. 25,000/- per month. To terrorize the owners as well as the customers of the hotel, bottles of beer and liquor were broken and threats of life were extended by broking the showcase as well as the counter. Thereafter, the applicant and his associate committed dacoity and/ or looted an amount of Rs. 16,000/- from the cash counter. It is seen that even after this incident, neither the owner or the Manager of the Hotel could gather courage to report the matter to the police. Ultimately, upon reading the news of arrest of Banty Pawar and his associates, the owner of that hotel gathered courage to lodge report. This material reflected from the charge-sheet does not allow me to grant bail to the present applicant, as in that event the possibility that the applicant would tamper the prosecution evidence, cannot be ruled out. That apart the applicant has the criminal antecedents, as reflected from the police report .

5 Hence, the application for bail is rejected.

(A. M. BADAR, J.)