

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

ANTICIPATORY BAIL APPLICATION NO. 1041 OF 2016

Smir Rafiz Shaikh

... Applicant.

V/s.

State of Maharashtra

... Respondent.

Mr. Prashant D. Patil, Advocate for the Applicant.

Mr. Arfan Sait, APP for the State.

API-Mr.M.P.Lokhande (Bhadrakali Police Station, Nasik) is present.

CORAM : A. M. BADAR, J.

DATE : 23rd JUNE, 2016

P.C. :

1 Applicant/accused in Crime No. I-280 of 2016 registered with Bhadrakali Police Station, Nashik at the instance of informant-Heena Sher Khan for the offences punishable under sections 354, 384, 452, 323, 504, 506 of the Indian Penal Code and under section 135 of the Maharashtra Police 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. According to the learned counsel for the applicant there is no complaint against the present applicant in respect of the incidents dated 03.06.2016 as well as 31.12.2015. He further

argued that the applicant had not been to the house of the informant on the date of the incident and such there is no question of applicability of section 354 as well as section 452 of the Indian Penal Code against the applicant.

3 As against this, learned APP opposed the application by submitting that version of the informant gains corroboration from statement of her husband-Sher Khan Pathan as well as their employee-Gulab Mamu Pagare. He further argued that the present applicant is having criminal antecedents.

4 Perused the papers of investigation and the FIR. It is seen from the record of the investigation that the present applicant is kingpin in the commission of the crime in question. He is head of the gang involved in extortion of money from owners of the taxis plying at Dwarka area of Nashik. Statement of Sher Khan shows that he owns four wheeler vehicle which is used as taxi and Gulab Mamu Pagare is driver of his vehicle. Statements of both these witnesses show that the applicant and his associate used to assault the driver of the taxi by demanding amount of extortion of Rs. 300 to Rs.500 per day in order to enable the taxi drivers to ply the taxis in that area. On the day of the incident itself, the driver of Sher Khan Pathan was assaulted by the present applicant and his associate with demand of amount of Rs.300

to Rs. 500 for plying taxis. No case for anticipatory bail is made out in the wake of this material gathered during the investigation.

5 Hence, the application is rejected.

(A. M. BADAR, J.)

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