

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1582 OF 2015

Mr. Haji Shanawaz Khan.

....Applicant.

vs.

The State of Maharashtra.

....Respondent.

Mr. AH.Ponde i/by Ashish Raghuvanshi for the Applicant.

Mrs. Rutuja Ambekar, APP. for the State.

Mr. Niranjan Mundergi for the Intervener.

CORAM : A.S.GADKARI, J.

DATE : 3rd February, 2016.

P.C.

The applicant is seeking bail in CR No. 363/2014 registered with Vashi Police Station, Navi Mumbai under Sections 364(A), 388, 323, 504, 506 read with 34 of the Indian Penal Code.

2) The complainant Mr. Dinesh Rathod has lodged the first information report on 22.9.2014 stating that he was having relations with one Ms. Sania. He used to pay Rs.10,000/- on each occasion to Ms. Sania. That, in the month of March 2014 the complainant met Ms. Sania below her residence at Koparkhairne where she informed him that she is pregnant from him. On 7.8.2014 the brother of the complainant namely Mukesh gave a phone call to the complainant at 5.00 p.m. and informed him that three persons and one lady came to his house at Vashi and forcibly took him to the house of the applicant. At that time Mukesh was assaulted and directed to settle the matter with Sania. As the said Mukesh and the complainant look alike, by mistaken identity the applicant and other persons assaulted him.

After realizing the mistake they released Mukesh and directed to send the complainant to the office of the applicant .That, on 18.8.2014, the complainant was called at the office of the applicant. After complainant went to the said office the applicant threatened him that he will lodge complaint against the complainant and for settling the said matter with Sania demanded a ransom of Rs.2.00 crores. The complainant was also assaulted by the applicant and other persons. The complainant thereafter, went to his house and brought an amount of Rs.5.00 lacs and paid it to the complainant. That, the complainant read the news on 21.9.2014 in newspaper that the applicant and one co accused Mrs. Gouri have cheated the other persons in similar manner and therefore, the complainant lodged the first information report.

3) The applicant is arrested on 22.2.20914. After completion of the investigation, the police have filed the charge sheet.

4) It is to be noted here that for a incident dated 10.8.2014 the complainant has lodged first information report on 22.9.2014. During the course of investigation, the statement of Ms. Sania was recorded by the police. As per her statement she was pregnant because of the complainant and when the complainant refused to marry with her, she went to the applicant. The applicant there after assured her to help her. When the complainant was called in the

office of the applicant the applicant told the said Sania to leave the office. That, the applicant thereafter alleged to have been extorted an amount of Rs.5.00 lacs from the complainant on 11.8.2014. As stated above, the the complainant has lodged the first information report on 22.9.2014. In view of the above, the applicant has made out a case for grant of bail. The learned APP submitted that the applicant is also involved in similar crime along with co accused Gouri and if the applicant is released on bail there is every possibility that he may tamper with the prosecution evidence. The said apprehension can be taken care of by imposing strict conditions upon the applicant. The said In view of the above, the applicant has made out a case for release on bail.

Hence, the following order.

ORDER

- a) The applicant be released on bail in CR No.363 of 2014 registered with Vashi Police Station, Navi Mumbai on his furnishing PR bond of Rs.1.00 lac with one or two solvent local sureties in the like amount.
- b) After his release from the Jail the applicant shall not enter the jurisdiction of the District Thane including the jurisdiction of Navi Mumbai.
- c) The applicant shall furnish his residential address where he intends to reside after release from Jail, to the Investigating Officer

and the Trial Court within a period of 3-weeks from his release.

- d) The applicant shall attend the Trial Court on every 1st and 3rd Monday between 11.00 a.m. to 1.00 p.m. till the conclusion of the trial.
- e) The applicant is permitted to enter the jurisdiction of Thane District to mark his presence in Court as afore stated. The applicant shall remove himself after the Court work is over from the jurisdiction of Thane District and Navi Mumbai.
- f) Any two consecutive defaults at the instance of the applicant shall attract the provisions of Section 439(3) of the Cr.P.C.
- g) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)