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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1454 OF 2015

Mausoof Ahmed @ Mausoo Siddiqui	..Applicant.
Vs.	
The State of Maharashtra	..Respondent

Ms. Mallika Ingale for Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM: A.S. GADKARI, J.

DATE : 18th January 2016.

P.C.

1 The applicant apprehends arrest in CR No.360 of 2015 registered with Pantnagar Police Station, Mumbai dated 6.9.2015 under Sections 384, 385 read with Section 34 of the Indian Penal Code.

2 Smt. Anju N. Desai, the owner of Aashish Agency, an authorised agent of Bharat Petroleum Corporation Ltd., having her establishment at Garodia Nagar, Ghatkopar (East) has lodged the first information report dated 6.9.2015. That, in the May 2015 edition of “Mumbai Plus” newspaper a defamatory news was published about her agency stating that black-marketing was being carried out in the said

agency. The complainant through her acquaintance, Mr. Juber contacted the Press Reporter Shri Balaji Naidu and through him she contacted the applicant and asked him as to what he wants to say in the matter. The applicant thereafter through Mr. Juber informed the complainant that in the gas agency of the complainant, black-marketing of gas cylinders was going on and with a view to conceal the said fact from the Bharat Petroleum Corporation Ltd., the applicant demanded Rs.15,000/-. The complainant informed the applicant that she did not indulge into any black-marketing business, however, with a view to avoid mental harassment at the hands of the applicant, she through Mr. Juber sent a cheque of Rs.15,000/- drawn on Bharat Co-Cooperative Bank Ltd. In the month of July 2015 the complainant received phone call from one Mr. Logo. The said Mr. Logo informed her to settle the matter with the applicant. The said Mr. Logo also gave mobile number of the applicant to complainant. The complainant thereafter contacted the applicant and the applicant went to the office of the complainant at about 6.30 p.m. on that date. The applicant introduced himself as Mausoo Ahmed Siddiqui the Editor of "Mumbai Plus" newspaper. The applicant thereafter gave an offer to the complainant to open agency at Shivaji Nagar, Govandi to which the complainant refused. On 3.9.2015 the applicant contacted the complainant and informed her that

the Sales Officer of the Bharat Petroleum Corporation Shri Jagannath Vishwanath has informed him that the complainant is not interested in continuing with the business to which the complainant denied. The complainant thereafter asked the applicant as to why he is making complaints after complaints with the Bharat Petroleum Corporation and black mailing her. At that time, the applicant informed her that there are five other persons with him and he will let her know about the same. That on 4.9.2015 the applicant contacted the complainant and demanded Rs.10 lacs. The complainant got shocked after hearing the said amount. The applicant thereafter told the complainant to pay Rs.5 lacs and that he will take back that complaint made against her gas agency. That on 6.9.2015 the applicant gave a call to the complainant. The complainant asked the applicant why he is not taking back the complaint with Bharat Petroleum Company to which he told that unless and until the complainant meets with two other persons sent by the applicant and follows the instructions told by the said persons, the applicant will not take back the complaint. That about 3.15 p.m. the complainant received phone call on her mobile phone from a person named Sajid Khan and informed her that he has been sent by the applicant. After the said person Sajid Khan came to her office and told the complainant that, the applicant has asked him to collect Rs.10 lacs from the

complainant. The complainant told the said Sajid Khan that she is unable to pay the said huge amount and expressed to pay Rs.5 lacs to which the said Sajid Khan informed the complainant that he has been paid Rs.2 lacs by one Marwadi from Vashi to do all things. The complainant and her staff thereafter accosted the said Sajid Khan and came out of the office. They also noticed one person moving in suspicious condition outside the office and the said person was also accosted by the staff members of complainant. The said persons thereafter taken to the Police Station and on enquiry they informed their names as Sajid Siraj Khan and Mehboob Ahmad Shaikh. The complainant thereafter lodged the first information report.

3 Heard the learned Counsel for the applicant and the learned APP and also perused the paper pertaining to the investigation of the present crime.

4 The learned Counsel for the applicant submitted that as a matter fact, pursuant to the complaints made by the applicant the Bharat Petroleum Corporation has taken action against the complainant. The said fact can be discerned from the communications sent by the Bharat Petroleum Company which are at page nos.36 and 39 of the application. She further submitted that the applicant was pursuing the complaint against the complainant in a bonafide manner and there was no ill-intention at his

command. That the applicant has received the said amount of Rs.15,000/- by cheque towards the donation by the complainant to his newspaper. She submitted that the custodial interrogation of the applicant is not necessary and if the applicant is released on pre-arrest bail, the applicant will abide by all the conditions imposed upon him by this Court.

5 The learned APP on the other hand submitted that the amount of Rs.15,000/- was accepted by the applicant as extortion money by cheque and same was deposited in his personal bank account. She also produced the papers of investigation for my perusal. The papers of investigation reveal that the Investigating Officer apart from other has recorded statements of two witnesses who have stated that the applicant stated to them that he is editor of newspaper i.e. Mumbai Plus newspaper and the applicant categorically stated to them that he has received Rs.5 lacs for filing false complaint and to publish the news, from another person and therefore unless and until the said witness gets Rs.10 lacs from the complainant and give it to the applicant, he will not stop publishing false or defamatory news against the complainant. The witness has also stated that he has recorded the conversation and gave it to the complainant. Another witness in his statement dated 20.9.2015 stated that when he questioned the applicant about the news published by the applicant in the newspaper, the

applicant informed him that unless and until he does the said act, the business of newspaper will not survive. When the said witness asked the applicant what benefit he is going to get by publishing such news, the applicant told him that if the said witness collects the amount of Rs.2 lacs from the complainant, he will stop publishing news and will also stop giving complaints to the Petroleum Company.

6 It further appears that the applicant by taking undue advantage of his being editor of his own newspaper has put the complainant under fear for extortion of amount. It is necessary for the police to investigate, as to who are the other associates of applicant as stated by him and how many other such victims at the hands of applicant and the same is not possible without custodial interrogation. After taking into consideration the serious nature of allegations against the applicant, the gravity of offence and the evidence available on record, I am of the opinion that this is not the fit case to grant the pre-arrest bail to the applicant. The application is accordingly dismissed.

(A.S. GADKARI,J.)