

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1732 OF 2016

Jafar Peermohamad Shaikh

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep S. Patil Advocate for Applicant.

Mr. Vinod Chate APP for the State.

Mr. Bharat Jadhav, P.S.I. Panvel Taluka  
Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATED : OCTOBER 6, 2016.**

**PC :**

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 145 of 2016 registered at Navin Panvel Police Station for offence punishable under section 387 of the Indian Penal Code.

2) It is the case of the prosecution that on 22/07/2016, Jitendra Mistry lodged a report at the police station that he was a petty contractor and was purchasing building material from the present applicant. That in the

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eventuality he would refuse to purchase material from him, applicant used to harass him. On 14/07/2016, applicant had allegedly been to the construction site of the complainant. His employees Niraj and Sunil Mistry were present. At that time, applicant had allegedly threatened him for not purchasing building material from him and had demanded Rs. 10,000/- towards construction which was in progress. On the basis of the said report, crime no. 145 of 2016 was registered.

3) The learned APP submits that applicant has such criminal antecedents that he has been externed from Raigad district and therefore, in such circumstances, he does not deserve to be enlarged on bail.

4) The learned counsel for the applicant submits that order of externment is under challenge. The learned counsel for the applicant has drawn the attention of this court to the report lodged by the employee of present applicant on 19/07/2016 against the complainant Jitendra Mistry. He has alleged that the complainant Jitendra Mistry had threatened him of dire consequences and had also threatened that he would file a false case against him.

5) It is pertinent to note that F.I.R. was lodged by Jitendra Mistry on

22/07/2016 in respect of offence dated 14/07/2016. In view of this, investigating officer had recorded the statement of the employees Navaj Ahmad Shaikh and he had disclosed to the police that Jitendra Mistry had filed a report against his employer and since he apprehended that he would also be arraigned as an accused or falsely implicated, therefore had filed the report by way of defence.

6) Be that as it may, taking into consideration the fact that the applicant is an externee, he does not deserve the relief of grant of pre-arrest bail. However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

7) Application, being sans merits, stands rejected.

**(SMT. SADHANA S. JADHAV, J.)**