

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2068 OF 2016

Prashant Madhukar Alai	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket U. Nikam, i/b. Mr. Aashish Satpute, Advocate for the applicant.
Mr. R.M.Pethe, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 23rd November, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.
The applicant herein is arrested on 10.9.2016 in Crime No.279/2016 registered at Indira Nagar Police Station for the offences punishable under Sections 384, 386, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 9.9.2016, Vishnu Bhagwat, a businessman, lodged a report at the police station alleging therein that one Ganesh Kankal was threatening him that he would disclose all the information against him which he had received under the Right to Information Act, 2005. He had also threatened that he would disclose all

the misappropriation in the business of the complainant i.e. in his petrol pump and Ujwalam Agro Multi-State Co-operative Society Ltd. of which the complainant is the President. There was a demand of Rs.50 lakhs. There was negotiation and thereafter it was decided that he would pay an amount of Rs.5 lakhs. According to the complainant, on 5.9.2016, the present applicant, who runs a photocopy shop and does photocopying work for the complainant, accompanied Ganesh who had been to the office of the complainant, had threatened him of disclosing the information against him. It was finally agreed that the complainant would pay Rs.5 lakhs to Ganesh Kankal and the present applicant and the amount will be paid in the shop of the present applicant. The complainant had then approached the Commissioner of Police, Nashik City and had informed about Ganesh Kankal and the present applicant. He had also informed the Police Commissioner that the amount was to be paid on 10.9.2016 in the shop of the present applicant. Accordingly, a trap was laid and on 10.9.2016, while the complainant was parting with the amount in favour of Ganesh and the present applicant, the police had apprehended the present applicant and had taken him into custody.

3. The learned counsel for the applicant submits that the principal

accused – Ganesh has been enlarged on bail and, therefore, claims parity with Ganesh. It is also submitted that the investigation is almost completed as the applicant was in police custody till 14.9.2016 and thereafter was sent to judicial custody. It is true that there is sufficient material to show that the applicant along with Ganesh was indulging into extortion. However, the applicant has been in custody for almost 2 months and now deserves to be enlarged on bail.

4. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on every Sunday between 10 a.m. to 12 noon till filing of charge sheet.

Application is allowed and disposed of.

(SMT. SADHANA S.JADHAV, J.)