

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

ANTICIPATORY BAIL APPLICATION NO. 1751 OF 2016

Samir Ishtiyaque Khan @ S. Samir Purtikar	.. Applicant
Versus	
The State of Maharashtra & Anr.	.. Respondents

Mr. Deepak Dere, Advocate for the Applicant.
Ms. R.M. Gadhvi, A.P.P. for the Respondent – State.
Mr. Sharad K. Kakad, P.S.I. Dr. D.B. Marg Police Station, present.

CORAM : N.W. SAMBRE, J.

DATED : 28th NOVEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.96 of 2016 for the offences punishable under sections 341, 387 r/w. 34 of the I.P.C.

2 It is the case of the prosecution that applicant is a member of gang which has indulged themselves into the activity of extortion.

3 While trying to make out the case for grant of pre-arrest bail, the learned counsel submits that there are in all three offences registered against the applicant and out of these, in two the applicant is already released on pre-arrest bail for want of appropriate evidence against him. He would submit that even in the present case also but for vague mentioning the name of the applicant, there is hardly any material to connect the applicant in the crime in question. According to him, the

interrogation is not warranted as the applicant's track record of co-operating with the investigating agency could be ascertained from his conduct in the other two crimes.

4 The learned A.P.P. opposed the application on the ground that the applicant is a member of a gang which has indulged in the activity of extortion under the threats issued to the various persons. According to her, there is enough material including that of statement of co-accused to infer the involvement.

5 Having considered the submissions, it is noted that there is no details or complete name of the applicant mentioned in the F.I.R. The mode and manner of giving effect to the crime in question is required to be appreciated as police informant was leading the gang of the present applicant who has indulged in the activity of extortion.

6 The investigating agency has collected sufficient material to infer the applicant's involvement in the crime in question. No case for bail is made out. The Application is rejected.

(N.W. SAMBRE, J.)