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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1560 OF 2015

Rehman M. Maniyar

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Sandeep D. Sherkhane for applicant.

Ms. P.P. Shinde, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 1st March 2016.

P.C.

1 The applicant apprehends arrest in CR No.378 of 2015 dated 18.9.2015 registered with Juhu Police Station, Mumbai under Sections 384, 392, 504, 506 of IPC.

2 The FIR has been lodged by Aakash Kapoor, a college going student. In the said FIR, he has stated that on 18.9.2015 at about 12.00 noon, he along with his friend namely Priyesh were smoking cigarette near a kiosk. At that time one person approached him and told him that he is a social worker working with a NGO. He threatened the complainant that as the complainant was smoking cigarette and was doing intoxication, a fine

of Rs.8000/- will have to be paid. The said person thereafter forcibly removed Rs.2000/- each from the pockets of the complainant and his friend Samrth. The said person also snatched wrist watch from the person of Priyesh. When the said person demanded money with the complainant, the complainant informed him that he does not have the money. The said person threatened the complainant with dire consequences. The said person thereafter gave a phone call to another person who rushed to the spot immediately. The other person came on Activa Scooter bearing No.MH-02-3145. The complainant thereafter gave a phone call to his friend by name Nissar and requested him to provide him money. The complainant's friend Nissar with his mother came to the spot and paid Rs.3000/- to the said second person. The complainant and his friend thereafter demanded Identity Card from the said two persons. However, the said persons refused to show their Identity Cards and started threatening the complainant and his friend. In the meantime, the residents from the vicinity gathered there. That one of the persons gave a phone call to the police station. The police reached to the said spot immediately. When the complainant gave his complaint, the police brought one person at the police station. The complainant identified the said person as the first person who initially threatened and snatched the wrist watch from the person of Priyesh.

3 During the course of investigation, it is revealed that the second person mentioned by the complainant is the applicant herein who is the real brother of the said first person namely co-accused Azad Maniyar. The complainant in his FIR has categorically stated that the present applicant has threatened and thereafter accepted an amount of Rs.3000/- from his friend Nissar. The amount of Rs.3000/- extorted by the applicant is to be recovered.

4 After taking into consideration the fact that the applicant not only shared the common intention with the other accused but has actively participated in the present offence of extortion, and also the serious allegations against the applicant and the gravity of the offence, in my opinion, this is not a fit case to grant pre-arrest bail to the applicant. Hence, the application is dismissed.

(A.S. GADKARI,J.)