

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1644 OF 2015

Mr.Faheem Akhtar Aslam Ansari	..Applicant
V/s.	
The State of Maharashtra	.. Respondent

Mr.Pawan Mali for the applicant.
Mr.D.P.Adsule, APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.,

DATE : 17th MARCH, 2016.

P.C.

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 221 of 2015 registered with the Khadki Police Station, Pune, for the alleged offence punishable under Section 395 of the Indian Penal Code.

3. The applicant is stated to be a Reporter of 'Aaj Tak'. According to the learned Counsel for the applicant, the applicant received secret information on 13th August, 2015,

which was passed on by him to Faraskhana Police Station. The Faraskhana Police Station arrested the accused in C.R. No.221 of 2015 and seized an amount of Rs.15 lakhs and odd as well as jewellery worth about Rs.64,000/- and odd. He submits that the Faraskhana Police transferred the accused in C.R.No.221 of 2015 to the Khadki Police Station on 15th August, 2015, pursuant to which, the accused were produced before the learned Magistrate.

4. According to the learned Counsel for the applicant in the first remand report dated 15th August, 2015, which is on page 26 of the application, there is no reference about the present applicant or his involvement. He submits that the Officer of the Khadki Police Station was annoyed, as the secret information was not passed on to them but given to the Faraskhana Police Station, out of vengeance, the applicant was involved in the second remand report dated 28th August, 2015. He submits that the applicant has absolutely no concern with the co-accused and therefore, the allegation that the applicant has received the theft amount, is false and baseless.

5. This court vide order dated 21st December 2015 had directed the Faraskhana Police Station, to file an affidavit with regard to role of the present applicant in the aforesaid case, which was transferred by them subsequently to the Khadki Police Station. In the affidavit dated 21st January 2016 filed by PSI Girish Ramesh Sonawane, of the Faraskhana Police Station, it is stated that pursuant to the intelligence received by them, the staff of the police station, came to Vasai on 13-08-2015 and laid a trap for the accused at Vasai. He has stated that one person came at Vasai Fata with a bag and as his movement was found to be suspicious, they made inquiry with him. It is stated that as the suspect did not give a satisfactory reply he was checked and money was found in his bag. The said person could not give any satisfactory answer, regarding the money in his bag and disclosed his name, as Ijaj @ Pagala Israil Chaudhari. It is stated that the said Ijaj confessed and disclosed to the police, that he and his associates had looted an amount of Rs.25,00,000/- on 08-08-2015 from Vakdewadi, Pune. Pursuant to the said information, Ijaj was taken into custody and brought to Pune. The Faraskhana Police recovered

a sum of Rs.6,47,000/- from his bag. The said person disclosed the names and addresses of his associates. Pursuant to which, the police formed two teams for arresting co-accused. It is stated that nine accused came to be arrested and various amounts were recovered from the said accused. It is stated that the Faraskhana police had detected the said case, which was registered vide the CR No.221/2015 under section 395 of the Indian Penal Code at Faraskhana Police Station and had traced ten accused and seized an amount of Rs.18,04,500/- under a panchnamma dated 14-08-2015. It is specifically stated in the said affidavit, filed by the PSI of the Faraskhana Police Station, that they did not find any role of the present applicant, who is resident of Pune, during their investigation.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated by the Khadki Police. He submits that in the first remand report dated 15-08-2015 the applicant's name is not disclosed. He submits that between 16-08-2015 and 17-08-2015, five calls were made by senior PI Kamlakar Takawale and PSI Jeevan Mohite of the Khadki Police

Station, and threatened to implicate him in the aforesaid CR. The applicant has filed an affidavit which is at page 42 of the application. He submitted that thereafter, only on 20th August 2015, in the second remand report that the applicant was falsely shown as a suspect in the said CR.

7. The learned APP submits that one of the co-accused has disclosed, that a sum of Rs.20,000/- was given to the present applicant and hence the applicant's custody was necessary. It is stated in para 9 of the affidavit filed by PI Rajendra L. Vibhandik, of the Khadki Police Station, that the police had made strenuous efforts to contact the present applicant/accused, and that inspite of calling him on his mobile phone and visiting his house, the applicant switched off his mobile phone and evaded arrest. This is contrary to the affidavit filed by the applicant which is on page 42 of the application, which shows 5 phone calls were made to him by the said officers and the duration of the calls were 103 seconds, 106 seconds, 38 seconds, 95 seconds on 16-08-2015 and 45 seconds on 17-08-2015.

8. In the peculiar facts and circumstances of the case and after considering the affidavit of the PI, Faraskhana Police Station, that during their investigation they did not find any role of the applicant, the applicant is enlarged on bail on the following terms and conditions:-

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

(ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any other persons concerned with the case.

9. Application is accordingly disposed of.

10. Parties to act on an authenticated copy of this order.

(REVATI MOHITE DERE, J.,)