

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1936 OF 2016

Mr. Ashish Gopal Sarkar

.....Applicant

V/s.

The State of Maharashtra and anr.

.....Respondents

* * * * *

Mr. Pradeep Havnur i/by. Ms. Chitra Salunkhe, Advocate for the applicant.

Ms. R.M. Gadhvi, APP for respondent, State.

CORAM :- N. W. SAMBRE, J.

DATED :- 1ST DECEMBER, 2016.

P.C. :-

1). The applicant is seeking pre-arrest bail in Crime No. 165 of 2016 for offences punishable under Sections 441, 386, 323, 504, 506(II) read with Section 34 Indian Penal Code.

2). It is the case of the present applicant that, the applicant interacted with the complainant with an intention to settle the issue as regards the flat to which the mother-in-law of the applicant was entitled to under the redevelopment scheme.

3). In addition, he would urge that the witness to the

incident, a security guard has already written to the police officials as regards the false implication of the applicant to the crime in question. According to him, in view thereof, the applicants custodial interrogation is not warranted.

4). The learned APP opposes the application on the ground that, there is sufficient material to connect the present applicant to the crime in question.

5). Perused the investigation papers. It is required to be noted that the conversation between the present applicant and one of the complainant's employee is recorded and transcript thereof reflects the *prima-facie* involvement of the applicant in the crime in question. There are also CCTV footage as regards the presence of the applicant.

6). Apart from above, there is hardly any material to infer that the applicant is falsely implicated to the crime in question particularly the alleged document i.e. legal notice issued for and/on behalf of the applicant to the complainant.

7). The applicant is charged with a serious offence of extortion. In my opinion, a case for custodial interrogation is very much made out. There is no substance in the application. The Anticipatory Bail Application is rejected.