

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1661 OF 2015

Dr. Arun Govind Nirantar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

ALONGWITH
CRIMINAL APPLICATION NO.971 OF 2015

Vishal Chandrakant Kele	...	Intervener
AND		
Dr. Arun Govind Nirantar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. A.P. Mundargi, Sr. Adv. i/b. Hrishikesh Mundargi, Adv. for the applicant in ABA.

Mrs. Veera Shinde, APP for the State.

Mr. Swapnil Wagh, Adv. i/b. Rizwan Merchant & Associates for intervener in AAPP No.971 of 2015.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 12th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.348 of 2015 registered at Chatushrungi Police Station, Pune for the offence punishable under Section 386 r/w. 34 of the IPC.

2. Mr. Mundargi, the learned counsel for the applicant

submitted that the applicant is no way concerned with the development project. The FIR does not reveal the essential ingredients of section 386 against the applicant. The applicant has been falsely implicated a pressurizing tactics.

3. Mr. Wagh, the learned counsel for the intervener submitted that he has instructions not to oppose the bail application in view of age of the applicant.

4. Mrs. Shinde, the learned APP for the State submitted that voice sample of the applicant is yet to be collected. Hence the applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The records prima facie reveal that one Vishal Kele one of the partners of Life Properties Ltd had lodged FIR dated 19th October, 2015 alleging that they had acquired several properties. One of the properties was declared as slum area. Advocate Prasad Kulkarni, the son in law of the applicant had represented the slum dwellers before the appellate authorities. It is alleged that the complainant had approached

Adv. Prasad to settle the dispute and that Advocate Prasad had received Rs.50 lacs to settle the dispute with the slum dwellers. Since there was no settlement, the complainant had approached the applicant. In the complaint it is alleged that the applicant had demanded additional amount of Rs.90 lacs.

6. The FIR does not prima facie reveal that the applicant herein had extracted money by putting the complainant in fear of death or grievous hurt. Thus there is no prima facie material to link the applicant with the offence under Section 386 of IPC. The nature of the allegations levelled against the applicant, do not justify custodial interrogation. The learned counsel for the applicant has submitted that the applicant has already given his voice samples before the investigating officer and he is ready to join the investigation. Considering the above facts and circumstances and also considering that the applicant has roots in the society and has no criminal antecedents, in my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C.

7. Under the circumstance, the application is allowed on the following terms and conditions.

1. In the event of arrest of the applicant in Crime No.348 of 2015 registered at Chatushrungi Police Station, Pune, the applicant shall be released on bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount to the satisfaction of learned JMFC, Pune.
 2. The applicant shall report to the investigating officer for 7 days from 10 am to 1 pm. from the date of the receipt of the order or as and when required by the investigating officer for the purpose of the interrogation.
 3. The applicant shall not leave Pune district till filing of the chargesheet without prior permission of the learned JMFC, Pune.
8. Intervener Application being No.971 of 2015 is disposed of in view of the disposal of the bail application.

(ANUJA PRABHUDESSAI, J.)