

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO. 707 /2015

(Sayyad Zuber Ali s/o Sagir Ali vs. State of Maharashtra)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. Rajnish Vyas, Advocate for applicant
Mr. A.K. Bangadkar, APP for respondent -State

CORAM: A.B.CHAUDHARI, J.

DATED : 14th January, 2016.

Heard learned counsel for the rival parties.

In Crime No.378/2015 for offence punishable under sections 363, 386, 341, 342, 364, 506(B) read with Section 34 of the Indian Penal Code, registered at Police Station, Ajni, Nagpur the applicant is seeking anticipatory bail.

Perused the First Information Report so also the reply filed on behalf of the non-applicant-State. The complainant was kidnapped and demand of protection money by Amjad Khan and Atul Dhabale was made. The F.I.R. itself names in addition two persons. The contention that the name of the applicant does not figure in the F.I.R. and, therefore, he is nothing to do with the offence in question, has to be rejected outrightly. It is clearly seen from the contents of the F.I.R. that

Amjad Khan was demanding protection money from the complainant in the sum of Rs.1,50,000/-. Not only that by calling his brother Nitish Shahane, the complainant had paid an amount of Rs. 1 lakh, however, Amjad Khan was again demanding protection money and, as such, the complainant lodged the report at the Police Station. During investigation, the police have found that the applicant is the person who is equally involved along with Amjad Khan and another. I quote the following from para nos.3 and 5 of the reply filed by the non-applicant-State:

“3. During the course of investigation, Investigating officer has recorded the statement of eye witnesses namely Mangesh @ Liladhar Bhaurao Dhande (driver of the complainant) and Nikhil Marotrao Sonare (friend of the complainant). On the statement of these two eye witnesses clearly show that the involvement of the present applicant and other three co-accused in the crime.”

5.The investigating officer yet to be seized these vehicle and money of Rs.1,00,000/- from the accused persons. The present applicant and other co-accused namely Golu @ Abid Khan s/o Hamid Khan are still absconding and the vehicle Tata Safari involved in the crime

and extracted money Rs.1,00,000/- yet to be seized from the accused persons. Moreover the Investigating Officer wants to take test identification parade of the applicant and Golu @ Abid Khan. Therefore, the custodial interrogation of the present applicant is necessary.”

It is, thus, clear that grant of anticipatory bail in favour of the applicant would mean paying premium to the acts of the applicant in running the illegal business of protection money with the criminals like Amjad Khan. This cannot be allowed.

Criminal Application No. 707/2015 is rejected.

JUDGE

sahare