

Anand

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

**BAIL APPLICATION NO.909 OF 2017**

Satishraj Sampat Shirke

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.A.P.Mundargi, Senior Counsel i/b. Mr.J.J.Bardeskar, for the  
Applicant

Mrs.S.S.Kaushik, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 07.06.2017**

**P.C.**

. Heard learned senior counsel for the Applicant and  
the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his  
enlargement on bail in connection with C.R.No.I-135 of 2016  
registered with the NRI Sagari Police Station, Navi Mumbai, for  
the alleged offences punishable under Sections 364A, 323, 504,  
506, 387, 170 r/w.34 of the Indian Penal Code.

3. Learned senior counsel for the Applicant submitted  
that the allegations as against the Applicant are false and  
baseless. He submitted that due to business rivalry, a false

complaint has been lodged by the Complainant - Sureshkumar Sultan Chaudhari. He further submitted that similarly placed co-accused - Ankit Ativaran Singh and Pathan Major have been enlarged on bail by this Court. According to the learned senior counsel for the Applicant, no offence punishable under Section 364A of the Indian Penal Code is disclosed in the facts of the case.

4. Learned APP opposes the Application. She submits that the Applicant's role is different from that of co-accused - Ankit Singh. She submits that there is recovery of Rs.40,000/- and the Complainant's passport, at the instance of the Applicant. She submits that the Applicant has two antecedents i. e. C.R.No.193 of 2011 registered with the Kolsewadi Police Station, Kalyan and C.R.No.125 of 2011 registered with the Shivajinagar Police Station, Thane for the offence punishable under Section 385 r/w.34 of the Indian Penal Code.

5. Perused the papers.

6. The complainant is running a Company by the name "Ocean King Ship Management Private Limited" in Sector 25,

Seawoods, Navi Mumbai. The complainant's friend-Sunil Gaund was also doing the business of recruitment for shipping companies, in the name of 'Sea Pacific Private Limited', at CBD, Belapur. It appears that the partners of 'Sea Pacific Private Limited' were Sunil Gaund, the present Applicant and others. It also appears that Sunil Gaund was also a director of another shipping company, by the name 'M/s. Bombay Offshore & Shipping Management Private Limited'. According to the complainant, Sunil Gaund was called to the APMC Police Station on 08.06.2016 in connection with an offence punishable under Section 420 of the Code of Criminal Procedure which was registered against him. Pursuant thereto, the complainant visited the APMC Police Station on 08.06.2016. He has stated that the APMC police had called him on the next date i. e. 09.06.2016 at 10.30 a.m. to Sunil Gaund's office. He has stated that he went to the office on the next date and the police completed the formalities. He has further stated that during that time, the Nerul police had come to the office of Sunil Gaund, as an FIR was registered as against an employee of the office, Vinay Singh. The said FIR was lodged by an employee of Sunil Gaund, as against Vinay Singh, alleging an offence punishable under Section 354 of the Indian Penal Code. He has stated that when

the police were making enquiries in connection with the said offence lodged by the lady against Vinay Singh, the present Applicant and three unknown persons came to the office and questioned him, whether he was threatening the lady. He has stated that the said persons abused and threatened him. He has further stated that he turned a blind eye to the said abuses and left the place along with his friends Aslam and Manoj in an Innova car for Ulwe, Navi Mumbai. He has stated that when he reached Ulwe, Sector 9, he had lunch with Aslam and Manoj in a hotel and that thereafter, the present Applicant and three unknown persons reached the said hotel and sat on a table, adjacent to theirs. He has stated that one of the said persons stated that he was from the Crime branch and questioned, whether he was standing surety for Vinay Singh and stated that they would implicate him in a cheating case. According to the complainant, he apologized to the said persons and stated that he would not interfere in Vinay Singh's matter. He has further stated that after they left the hotel, the said persons asked him to sit him in his car and that one of the persons i. e. Pathan Major took his mobile, purse and key and forced him to sit in the jeep. He has stated that he felt that the said persons were police and accordingly, sat in the vehicle. He has stated that after he sat in

the vehicle, the said persons assaulted him, threatened him & made him sit in the car and took him to the Nerul Police Station. He has stated that thereafter, he was taken to Sunil Gaund's office, where two ladies and one gent was present. He has stated that they took him to the cabin and questioned him why he was interfering in Vinay Singh's matter. He has stated that thereafter, at around 6.30 p.m. in the evening, they took him in a car and went near the Nerul Police Station. He has stated that the Applicant got down from the vehicle and went to Nerul Police Station. He has further stated that after an hour, the Applicant returned to the car and demanded Rs.2,00,000/- for settling the matter. Thereafter, they asked him to arrange for the money. At around 1.30 a.m. Pathan Major and Ankit are stated to have got down from the car at Belapur, and the Applicant is stated to have taken him to his residence. According to the complainant, when he reached his residence, out of fear and because of the threats, he handed over a sum of Rs.1,20,000/- to the Applicant. The allegation qua the Applicant, is that he demanded money for settling the dispute, pursuant to which an amount of Rs.1,20,000/- was paid by the Complainant to the Applicant. The incident in question has taken place on 09.06.2016, whereas the FIR was lodged on 01.07.2016. The delay has not been explained.

7. Investigation is complete and charge-sheet has been filed in the said case. Although, the Complainant is alleged to have been assaulted by the accused, no Injury Certificate of the Complainant has been placed on record. Infact, even the statements of the Complainant's acquaintances Manoj and Aslam with whom he had lunch on 09.06.2016 have not been recorded. It also appears from the statement of Sakshi, the Complainant had gone to the office on 09.06.2016 and had asked her whether she would withdraw the complaint lodged by her for the offence punishable under Section 354 of the Indian Penal Code. She has stated that the Applicant told the Complainant why he was threatening her and asked him not to interfere in the matter. She has stated that thereafter, the Complainant left the office and again returned with the Applicant and Ankit Singh and sat in the cabin and were discussing something. Although the Complainant is alleged to have impersonated himself to be a police officer, in the facts, prima facie, the same appears to be doubtful. Even otherwise investigation is complete and charge-sheet has been filed in the said case. Other co-accused have also been enlarged on bail in the said case.

8. Considering the aforesaid, the Application is allowed

and the Applicant is enlarged on bail on the following terms & conditions :-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- 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 person concerned with the case;

(iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**