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

ANTICIPATORY BAIL APPLICATION NO. 720 OF 2017

Rakesh Vasant Salunke.

... Applicant.

V/s.

The State of Maharashtra.

... Respondent.

Mr. Himanshu S. Shinde for the Applicant.

Mr. Arfan Sait, APP for the State.

CORAM : A.S. GADKARI, J.

DATE : 24 April, 2017.

P.C. :-

1. The applicant is apprehending arrest in CR No. 212/2017 dated 31st March 2017 registered with D.N. Nagar Police Station, Mumbai under Sections 385, 387, 342, 506(2), 323, 504 r/w. 34 of the Indian Penal Code and under Section 3 and 25 of the Arms Act.

2. The first information report is lodged by Mr. Pradipata Satra. It is stated that the first informant alongwith his friends are staying in the same residential complex where the applicant is staying. That the applicant demanded Rs.15,000/- from the first informant to continue his stay in the said complex. It is alleged that as the first

informant refused to pay that amount, on 30 March 2017, the applicant called the first informant at his residence; unlawfully detained him in his house; threatened him with dire consequences with the aid of firearm and did not allow him to go out of the said house. That the first informant gave a call to his friend who came at the premises of the applicant and it is alleged that thereafter the first informant rescued himself from the clutches of the applicant. It is further stated that the first informant thereafter went to his premises, charged his mobile phone and after relaxing for some time, lodged the complaint on twitter with the Commissioner of Police, Mumbai. That alongwith the said twit he has also forwarded the video recording of the incident of beating and threat.

3. I have perused the first information report and the documents pertaining to investigation of the present crime. It appears from the record that the alleged firearm used by the applicant is in fact an air pistole which has been recovered by the police from the scene of offence. That the investigating agency is in the process of getting forensic science report of the alleged video recording done by the first informant. That the applicant is a government servant. After perusing the first information report and the documents of investigation, it prima-facie appears that the version and/or the defence taken by the applicant that as he objected to the misbehaviour of the first informant and his friends in the residential complex, the first informant has falsely implicated him in the present

crime has substance in it.

4. In view of the above, the applicant has made out a case for his release on pre-arrest bail.

Hence, the following order :

(i) In the event of arrest in CR No. 212/2017 registered with D.N. Nagar Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties.

(ii) The applicant shall attend the Investigating Officer as and when called for between 11.00 a.m. to 2.00 p.m. and to join the process of investigation. It is needless to mention that before calling the applicant to the Police Station, the Investigating Officer shall issue a notice under Section 160 of the Code of Criminal Procedure, thereby specifying the date and afore-stated time.

(iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. The application is allowed in the aforesaid terms.

(A.S. Gadkari, J.)