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

ANTICIPATORY BAIL APPLICATION NO. 839 OF 2017

Nikhil Dilip Sawant	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Anil S. Patel for the Applicant.
Ms. Jyoti S. Lohokare, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 5th MAY, 2017.

P. C. :

1. The applicant is apprehending arrest in C. R. No. 81 of 2017 dated 25.02.2017 registered with Goregaon Police Station, Mumbai under Sections 376 (2) (N), 506 (2) of the Indian Penal Code.
2. The First Information Report is lodged by Smt. Megha Patel alleging that in the month of July, 2015 she got acquainted with the applicant. That on one of the occasions the applicant gave her stupefied water for drinking due to which the first informant became unconscious. That, the applicant thereafter had forcible sexual intercourse with her and also took her obscene photographs. The applicant thereafter started blackmailing the first informant and from time to time he extorted from her money totalling to Rs.10,00,000/- in cash 524 grams of gold and 900 grams of silver. In the premise, the FIR is lodged.

3. Learned counsel for the applicant submitted that prior to registration of the FIR by the informant, the applicant had lodged complaint against the first informant with the police on 23.10.2016. That, the applicant, in fact, at the instance of the first informant sold her said gold and silver to a jeweller namely Jitendra Patel and gave the amount to the first informant. He has submitted that the mobile phone of the applicant has already been seized by the police and therefore his custodial interrogation is not necessary. He prayed that the applicant may be released on pre-arrest bail.

4. I have perused the entire record of investigation produced before me. The statements of Kausthub Keluskar and jeweller Jitendra Patel, prima facie, corroborates the version of the first informant and are not supporting the version of the applicant. The jeweller in his statement has categorically stated that it is the applicant who came to him for accepting the payment from time to time. The police are yet to recover the gold and silver which was extorted by the applicant from the first informant. It further appears from record that the applicant by administering the threat to the first informant that her nude photographs will be published on social media had from time to time blackmailed her and extorted not only huge amount but also gold and silver ornaments as stated earlier. There is strong prima facie case against the applicant.

5. After taking into consideration the serious allegations against the applicant and the gravity of the offence, this Court is of the view that

the applicant does not deserve to be protected by way of pre-arrest bail.

The application is accordingly rejected.

[A. S. GADKARI, J.]