

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1277 OF 2017

Jaydeep Sananth Ghosh

Applicant

versus

The State of Maharashtra

Respondent

Mr.Yusuf Iqbal Yusuf with Newille Maria, Varun Shah and Firoz Quereshi i/by M/s.Y & A Legal for Applicant.

Mr.Shyam Walve, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 16th June 2017

PC :

1. This is an application for bail in connection with MECR No.1 of 2017. The offence is registered under Sections 384, 506(ii), 504 and 120B of Indian Penal Code and Section 66 of Information Technology Act with Kherwadi Police Station, Mumbai. It is the prosecution case that the first informant is a businessman. He had a dispute with his wife. The informant came to know about a defamatory article published on website. He, therefore, asked his close friend Mr.O.Ravi to make an inquiry about the same. Accordingly it was revealed that present Applicant had published some articles on the website. Mr.Ravi arranged a meeting on 4th April 2017 with the accused. The accused informed them that some one has instructed him to post the said articles against the first informant, his brother and children. The Applicant demanded Rs.2 crores for stopping the same.

Accordingly, the conversation was recorded by Mr.Ravi on his mobile phone. He sent said information to the informant. On 14th April 2017, the Applicant allegedly made demand of Rs.2 crores for not posting the articles. The police set up a trap on 26th April 2017. The Applicant was called to collect Rs.60 lakhs. Accordingly, raid was conducted. The Applicant was caught red handed. The amount of Rs.60 lakhs was found in his possession.

2. The Applicant was arrested on 26th April 2017 and since then he is in custody. He was produced before the Court for remand from time to time. Initially police custody was granted and thereafter he was remanded to judicial custody. Learned advocate for Applicant submitted that the Applicant is in custody for a long period of time and further custody is not required. It is also submitted that the Applicant is suffering from serious ailment of stomach cancer. IT is stated that the Applicant is cancer patient who is undergoing chemo therapy at specialized cancer hospital, at Delhi. He had already undergone nine sessions of chemo therapy and has to further undergo and continue the same at the cancer hospital, at Delhi. It is further submitted that after the raid, nothing is to be recovered from the Applicant.

3. Learned APP opposed the application for bail. He submitted that the Applicant is involved in the serious crime. He further submitted that he was caught red handed while accepting an amount of Rs.60 lakhs. He submitted that in view of the nature of offence committed by him, the Applicant does not deserve to be released on bail.

4. I have gone through the FIR and other material on record. It is noted that the Applicant is in custody from 26th April 2017. The amount of Rs.60 lakh is allegedly recovered by police from Applicant. The Applicant is suffering from stomach cancer and was undergoing chemo therapy. The further custody of the Applicant is not necessary for the purpose of investigation as admittedly he is in judicial custody. There are no criminal antecedents against the Applicant. In view of the above, I am inclined to allow this application.

5. Hence, I pass following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with MECR No.1 of 2017 registered with Kherwadi Police Station, Mumbai, on furnishing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
- (ii) The Applicant is directed to report Kherwadi Police Station, Mumbai as and when called;
- (iii) The Applicant shall furnish the details of his permanent address of Delhi;
- (iv) The Applicant is permitted to furnish cash security in the sum of Rs.50,000/- for a period of six weeks in lieu of surety;
- (v) The Application is disposed of.

(PRAKASH D. NAIK, J.)