

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1176 OF 2017

Anil Hanumath Raskar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.K.U.Nikam, Advocate, for the Applicant

Mr.Prashant Jadhav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 133 of 2017 registered with the Faraskhana Police Station, Pune, for the alleged offences punishable under Sections 384, 392 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the allegations as against the applicant are false and baseless. He submits that although the applicant was on duty on the date of the incident, the applicant is not alleged to have accompanied the complainant when the

amount of Rs. 15,000/- was withdrawn from the ATM. He submits that admittedly the mobile alleged to have been taken by the applicant was returned back by the applicant to the complainant in the police chowki. He submits that in the earlier e-mail, the complainant has not named the applicant and only subsequently after 9 days i.e. on 15th June, 2017, the applicant's name has been mentioned in the complaint/FIR. He submits that in the facts, custodial interrogation of the applicant is not required.

4. Learned APP opposes the Application. He submits that the Statement of the Complainant – Kundansingh Ramsingh Chanwal shows the complicity of the Applicant. He submits that the Applicant had threatened the Complainant to lodge a false case against the Applicant, if the said amount was not paid. He submitted that the CDR records also shows that co-accused – Sonawane had called the Applicant, after receipt of an amount of Rs.15,000/- from the Applicant.

5. Perused the papers. According to the Complainant, the Applicant threatened to implicate him in a false case and threatened to put him in a police lock up, if he failed to pay an amount of Rs.25,000/-. It appears that pursuant to the threats, the Complainant was constrained

to go to an ATM, where he withdrew an amount of Rs.15,000/-, as he only had Rs.10,000/- with him. It appears that the Complainant handed over a sum of Rs.10,000/- to co-accused – Sonawane, a police constable and withdrew an amount of Rs.15,000/- from the ATM and handed over the same to the police constable – Sonawane. The said event i. e. of withdrawal from ATM, has been captured in the CCTV camera. It also appears that thereafter, the police constable called up the Applicant and told him about the payment made by the Complainant. The said fact, is also borne out by the CDR. It appears, that after the payment was made by the Complainant, co-accused – Sonawane handed over the license, mobile and car keys to the Complainant and allowed him to leave. According to the Complainant, the Applicant alongwith co-accused extracted the said amount by threatening him. No doubt, prima facie, there is material against the Applicant, however, in the peculiar facts of this case, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

- (i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on **every Saturday and Sunday** between **10.00 a.m. and 11.00 a.m.** till the filing of the charge-sheet or for a period of three months whichever is earlier.

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

7. 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.)