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

***CRIMINAL BAIL APPLICATION NO.1736 OF 2016***

Sumeet Vijay Mhatre

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.A.P.Mundargi, Senior Counsel i/b Mr.P.V.Kamble, for the Applicant

Mr.Pradeep D.Gharat, Special Public Prosecutor a/w Mr.S.S.Pednekar,  
A.P.P for the Respondent-State

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

***DATE : 24<sup>th</sup> APRIL, 2017***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No.I-312 of 2015 registered with the Panvel City Police Station, Navi Mumbai, for the alleged offences punishable under Sections 452, 387, 465, 468, 471 r/w 34 and 120B of the Indian Penal Code and under Sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act.

3. Learned Senior Counsel for the applicant states that there is no allegation, qua the applicant to connect him with the alleged offences. He submitted that although the applicant has been identified by the Accountant – Jitendra Thakkar, no role has been attributed to the applicant. He submitted that the test identification parade which is on page 141 of the application shows that the applicant had only come with another co-accused and that the applicant had not uttered a single word. He submitted that although there are 5 antecedents, qua the applicant, none of the said offences show that the applicant was a member of the organised crime syndicate.

4. Learned Special Public Prosecutor opposed the application. He submits that the case is now transferred to the CBI.

5. Perused the papers. The incident in question has taken place between the period August to October, 2015. According to the complainant, there was a dispute between him and the Estate Agent – Parmanand Thakkar and that there is a civil suit pending between them. He has stated that on 17<sup>th</sup> August, 2015 his wife received a call asking about him. The

said person who spoke on the phone disclosed that he was Chota Rajan and that he had called regarding the payments which were due by the complainant to Parmanand Thakkar. It is alleged by the complainant that the said person told his wife to tell him to pay the dues. It is alleged that thereafter on 28<sup>th</sup> August, 2015, 4 unknown persons came to his office and threatened his driver – Nitin Tandale and disclosed that they belonged to the Chotan Rajan gang. Thereafter, phone calls were made to the complainant demanding a sum of Rs.26 crores. According to the complainant, on 4<sup>th</sup> September, 2015, his Accountant Jitendra Thakkar called him and told him, that 2 persons had come to the office and had disclosed that they belonged to the Chotan Rajan gang. The said persons are stated to have asked Jitendra Thakkar to call the complainant; pursuant to which, one of the said persons spoke to the complainant and asked him to take the telephone number of one Laxman Bhai. According to the complainant, when he returned to his office, Jitendra Thakkar disclosed to him, that 4 persons had come to the office and out of them, 2 persons came near his table and that one person gave him the mobile number of Laxman Bhai, who the complainant had to contact. Thereafter on 11<sup>th</sup> September, 2015, Jitendra again informed the complainant, that Suresh

Shinde@Laxman had sent 2 persons to the office, out of which one was Rahul and that the said person threatened and asked him to tell the complainant to call Suresh Shinde. According to the complainant, threats were given by various persons from time to time. As far as the complainant is concerned, admittedly, he had not seen the applicant or any of the accused who had come to the office. In the identification parade which was held, Jitendra has identified the applicant, as being the person who had come to the office. Although no role has been attributed to the applicant, the fact remains that the applicant had accompanied co-accused – Suresh Shinde, who was giving threats to Jitendra and was asking him to inform the same, to the complainant. It also appears that the applicant has 5 antecedents i.e. C.R.No.161 of 2013, registered with the Rabale Police Station, alleging offences punishable under Sections 399, 402 of Indian Penal Code and under Section 37(1) r/w 135 of the Bombay Police Act; C.R.No.85 of 2013, registered with the Khandeshwar Police Station, for the alleged offences punishable under Sections 279, 337, 338 of the Indian Penal Code; C.R.No.86 of 2013, registered with the Khandeshwar Police Station, for the alleged offences punishable under Sections 324, 323, 504 r/w 34 of the Indian Penal Code; C.R.No.I-299 of 2011, registered with the

Panvel City Police Station, for the alleged offences punishable under Sections 324, 504 r/w 34 of the Indian Penal Code; C.R.NoII-27 of 2011, registered with the Panvel City Police Station, for the alleged offences punishable under Sections 3 and 25 of the Arms Act, and C.R.No.I-347 of 2014, registered with the Panvel City Police Station, for the alleged offences punishable under Sections 326, 436, 451, 143, 147, 148, 149, 504, 506, 323, and 427 of the Indian Penal Code. No doubt the said offences are not related to the offences committed by the syndicate, but the fact remains that whilst on bail the applicant has committed the present offence. The CDR records also show that calls were made by the applicant to the co-accused during the said period. Merely because no specific role has been assigned by the eye-witness to the applicant does not mean that the applicant is not guilty of the offences with which he is charged, more particularly when Sections 34 and 120B of the Indian Penal Code are applied.

6. Considering the material on record, this is not a fit case to enlarge the applicant on bail.

7. Hence, the Application for bail is rejected and disposed of as such. However, the trial is expedited. If for no fault of the applicant, the trial does not conclude within a reasonable period, the applicant is at liberty to renew his prayer for bail.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

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