

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1537 OF 2017**

VijayAnna Timmappa Shetty

...Applicant.

Versus

The State of Maharashtra

...Respondent

....

Ms.Anjali Awasthi for the applicant

Ms.P.N.Dabholkar, APP for the State.

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CORAM: A.M.BADAR, J.

DATE: 5th October, 2017

PC:-

1. This is an application for grant of pre-arrest bail in Crime No.246 of 2017 registered with Oshiwara Police Station, Mumbai for the offences punishable under Sections 395, 392, 452, 384 r/w 34 of the Indian Penal Code is registered at the instance of Shahnvaz Shaikh.

2. Heard the learned advocate appearing for the applicant/accused. She vehemently argued that the applicant is not concerned with the crime in question. He is admitted to be arrested in the offence in which he has no role to play. She argued that the applicant is not named in the First Information Report and therefore, he deserves pre-arrest bail.

3. I have carefully considered the submissions so advanced. The First Information Report lodged by Shahnvaz shows that apart from his usual work of computer class he was also acting as an agent for a courier service named "Track on". In December 2016 co-accused named Amarjeet questioned the first informant by raising claim of Rs.23,000/- towards loss of the parcel. The first informant reported that when he was going towards Oshiwara Police Station at Kamdhenu Market, co-accused Abhinav alongwith his 4-6 associates started abusing him and he was taken to a person named 'Anna'. The person named Anna then extended threats to him by saying that the first informant will be taken to

Bungalow and then he will be dealt with. The first informant became frightened because of this gesture of a person named 'Anna'. Anna asked the first informant to give Rs. 50,000/- The first informant then asked his employee Shahid to pay whatever amount he has to Anna. Accordingly, an amount of Rs.5,000/- was paid to Anna by the first informant. Subsequently, he was assaulted by other accused persons, who took away the amount of Rs. 37,000/- from cash counter of the shop of the first informant apart from other articles.

4. It is thus seen that a person named Anna has played major role in extorting money from the present applicant. The name of the present applicant is described even in the application filed before the learned Sessions Judge, Greater Mumbai reflects that he is called as 'Anna'. Even before this Court, the application is moved in the name 'VijayAnna'.

5. In this view of the matter, it cannot be said that the applicant is not named in the FIR. For proper and effective

investigation of the crime in question, custodial interrogation of the applicant is therefore warranted. Without his custody, investigation cannot go ahead. Therefore, the order.

ORDER

1. The application is rejected.
 2. The request for extension of interim relief is made.
- Considering the fact that the entire investigation is stalled because of ad-interim order granting anticipatory bail, the request so made is rejected.

(A.M. BADAR, J)