IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1867 OF 2016

Umesh Balasaheb Sasane ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. R. D. Suryawanshi for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 7th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-171 of 2016 registered with the Khadakpada Police Station, for the alleged offences punishable under Section 386 r/w 34 of the Indian Penal Code and under Sections 3, 24 of the Arms Act and under Section 37(1), 135 of the Bombay Police Act.

3. Learned Counsel for the applicant submits that the allegations of extortion as against the applicant are false and baseless. He submits that

as the applicant had financial difficulties, his friend-Shantanu introduced him to the complainant. He submitted that the complainant told him that he had a lot of contacts with the officers in the Banks, and as such could help him obtain a loan. According to the learned Counsel, as the complainant demanded money to give the Bank Officers, the applicant gave cash of Rs. 7 lakhs, and Rs. 13 lakhs, through RTGS, during the period 2013-14, by borrowing money, on interest. He relied on the applicant's Bank statement. He submits that the applicant had transferred a sum of Rs. 13 lakhs by RTGS, to the complainant's account. He submitted that as the complainant was not returning the said payment, the applicant had filed a complaint as against him, with the Economic Offences Wing. He further submitted that pursuant thereto, there was a "*Samjhota Patra*" executed between the applicant and the complainant, in which the complainant agreed to return an amount of Rs. 20 lakhs to the applicant. He submits that the cheques mentioned in the *Samjhota Patra* are the same as disclosed by the complainant, in the FIR. He further submits that even otherwise, admittedly, the applicant is not the person, who had threatened the complainant and that it was Kishor Dhangar, who is alleged to have threatened the complainant with a sword.

4. Learned A.P.P opposes the application.

5. Perused the papers. The applicant was granted interim protection on 24th October, 2016, which was continued from time to time. According to the complainant-Ghanshyam Sharma, he knew the applicant for 3 years and that he had helped the applicant secure a loan of Rs. 35 lakhs from the ICICI Bank, Murbad Branch. He has alleged that on 5th May, 2016 at about 11:30 p.m., when he was about to sleep, the applicant along with other co-accused came to his house, and told him that he should pay a sum of Rs. 25 lakhs to the applicant. According to the complainant, the applicant asked him to come to the office of one Murkate, pursuant to which, he went to Murkate's office on 6th May, 2016. It is alleged that the applicant was present in the said office along with other co-accused. It is alleged by the complainant, that the applicant took a sum of Rs. 3 lakhs in cash and two cheques of Rs. 8,50,000/- each from him. It is also alleged that the applicant took signatures of the complainant on a stamp paper. Admittedly, the applicant is not concerned with the incident which took place subsequently on 4th June, 2006. The complaint was lodged on 7th

June, 2016. It appears that an amount of Rs. 13 lakhs was transferred by the applicant in the complainant's account, by RTGS during the period 2013 to 2014. It also appears, that the applicant had filed a complaint as against the complainant on 22nd May, 2015 with the Economic Offences Wing, stating therein, that the complainant had cheated him. Whether or not the *Samjhota Patra* allegedly executed between the applicant and the complainant, is by force or not, is a matter which will be decided by the trial Court.

6. Be that as it may, the documents are already in the custody of the police. In the facts of the 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 and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two local solvent sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months, whichever is earlier;

(iii) The applicant shall not tamper with the evidence or attempt to contact or influence the complainant, witnesses or any person concerned with the case.

7. The application is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.