

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2315 OF 2015

Sujit @ Nitesh Ramesh Rao @ NiteshApplicant
Sanjiva Shetty

V/s.

The State of MaharashtraRespondent

WITH
CRIMINAL BAIL APPLICATION NO. 2316 OF 2015

Lohit Suresh AnchanApplicant

V/s.

The State of MaharashtraRespondent

Mrs. Sonal Parab i/b Mr. Rajeev Sawant & Associates
Advocate for Applicant.
Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 16th FEBRUARY, 2017.

PC :

1) Heard. These are applications under section 439 of Code of Criminal Procedure, 1973. Applicants herein are arrested on 01/07/2015 in crime no. 203 of 2015 registered at Tilaknagar Police Station at the behest of the Crime Branch. Investigation is completed and charge-sheet is filed against the applicants for offence punishable under section 387 r/w 34 of the Indian Penal

Code.

2) It is the case of the prosecution that on 01/07/2015, one Mr. Mimit Bhuta lodged a report at the police station that he is partner in the firm M/s. Value Builders and Developers and the registered office is at Ghatkopar. It is alleged that on 28/05/2015 at about 8.40 p.m., he had received a phone call from unknown person who had disclosed his identity as one Rahul. The caller had informed the first informant that Vijay Anna Shetty would call upon him in a short while and that the said persons belong to the underworld. On 29/05/2015, the first informant received phone call from one Vijay Anna Shetty. The caller had stated to the first informant that he has dealt with Bharat and Farid. That he has his own gang. He demanded Rs. 1 Crore. That he had also clarified to the first informant that that would be protection money. Vijay Anna Shetty had asked him to pay Rs. 3 Lacs as protection money. That it should be handed over to a person deputed by him at a given spot. On 01/07/2015, first informant received a phone call in the afternoon that he should bring Rs. 2 Lacs near Bank of Maharashtra, Pantnagar, Ghatkopar. First informant approached Anti Extortion Cell and gave the said information. The police had taken appropriate action at appropriate time and

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had reached the spot. When the first informant reached Pantnagar, they saw one Swift Car. They saw two persons in the car and the first informant approaching them. Both applicants were apprehended at the spot as they had been there to receive money which was allegedly demanded by the organisation of Vijay Anna Shetty.

3) The learned counsel for the applicant submits that the present applicant has not been charge-sheeted along with any other member of the gang of Vijay Anna Shetty, nor he is charge-sheeted along with Vijay Anna Shetty. It is submitted that the applicant has no criminal antecedents. As far as present case is concerned, it is submitted on instructions that the applicant had no knowledge of the demand of extortion nor they knew the first informant, but at the request of one of the close acquaintances of the applicant, they had been to the spot and were waiting for the first informant to part with Rs. 2 Lacs. It is also submitted that car belongs to maternal uncle of co-accused Lohit Anchan.

4) The State has filed an affidavit and it is submitted that applicants herein were apprehended at the spot. That the applicants belong to organisation of fugitive gangster Vijay Anna Shetty. That there is material to indicate that

they are involved in the present case. The confessional statement of Lohit Anchan would clearly indicate that he had made phone calls to the complainant and about his communication with gangster Vijay Anna Shetty. Lohit Anchan has also confessed that he used to make phone calls from several P.C.O. and that he was instrumental in calling the first informant to Pantnagar on 01/07/2015. Applicant was in the company of Lohit Anchan and they were apprehended on the spot. The explanation that they had only obliging one of the acquaintance and had been to the spot to receive money, cannot be accepted at this stage. It would be difficult to record a finding under section 21 (4) of MCOCA that in the eventuality of being enlarged on bail, applicants would not indulge into similar crimes. It is in these circumstances that applicants do not deserve to be enlarged on bail.

5) Applications being sans merit, stand rejected.

6) It is made clear that observations made herein above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration at the time of trial.

(SMT. SADHANA S. JADHAV, J.)