

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

ANTICIPATORY BAIL APPLICATION NO. 248 OF 2018

Pintusingh Ranveersingh Dudhani. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Debajyoti Talukdar, advocate for Applicant.

Mr. N.B. Patil, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 9, 2018

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 2 of 2018 registered at Marketyard Police Station, Pune for
offence punishable under section 387, 386, 385, 384, 323, 504,
506(ii) of the Indian Penal Code read with Section 4(25) of the Arms

Act and section 37(1)(3) read with section 135 of the Bombay Police Act and section 7 of the Criminal Law Amendment Act.

3 It is the case of the prosecution that on 1/1/2018 Raju Vaydande lodged a report at the police station alleging therein that he and his brothers run a business of packing and loading of pomegranate at Marketyard. 15 to 20 boys are employed. They earn Rs. 8/- per box and the commission i.e. earned is Rs. 2 per box. It is alleged that the present applicant is a goon in the said area and he extorts money from the people wok therein. On 9/12/2017 he had threatened the complainant and under coercion had extorted Rs. 15,000/- from the complainant and had also threatened that in the eventuality that they do not continue to pay protection money, he will not let them work in the said area. That on 23/6/2017 he had made phone call and abused brother of the complainant. On 29/12/2017 the applicant had been to the house of the complainant with a sickle. He was brandishing the sickle and abusing the complainant and provoking him to go outside the house. The applicant had abused

mother of the first informant and had demanded Rs. 10,000/- and had also threatened that upon failure to oblige, he would cut her son into pieces. While departing he had asked the complainant to pay money by the next day. On the basis of said report, Crime No. 2 of 2018 was registered.

4 The investigation was set in motion and in the course of investigation, police had recorded the statement of the neighbours of the complainant who had specifically and candidly stated that the applicant is terrorising people living in the said vicinity. On 29/12/2017 at about 3 p.m. they had seen the applicant abusing the complainant in front of his house and he was armed with an axe. He was demanding Rs. 10,000/-. They were scared of the applicant and were forced to close doors and windows and could step outside only after he left the spot.

5 It is pertinent to note that on 5/1/2018 the applicant had made a representation to PI of Marketyard Police Station informing the

police that he has filed an application seeking pre-arrest bail and the copy of the application under section 438 of the Code of Criminal Procedure, 1973 was annexed alongwith the said representation. It is pertinent to note that on 8/1/2018 PSI of Marketyard Police Station had issued notice to the applicant informing him that since he has been granted interim relief he should attend police station. It appears that on 9/1/2018 he was called to the police station and at that time, he has informed that on 29/12/2017 he was in his house. The police had come to call him but since he was scared he did not go to the police station. According to the applicant, he had disclosed to the police that a few days ago one Mahesh Gaikwad had informed him that the complainant and his brothers had assaulted him and therefore, he had taken Mahesh Gaikwad to the hospital and being aggrieved by the same he has been falsely implicated in the present case. On 10/1/2018 he had once again made a representation to the PI of Marketyard Police Station requesting the police to take SIM card and at the same time, he had disclosed that the cell phone and the SIM card does not belong to him and that he had not called the

complainant at any point of time. The learned Sessions Judge has rejected the application seeking pre-arrest bail by an order dated 3/2/2018.

6 The police report shows that the applicant was charge-sheeted in not less than 9 offences ranging from 2003 to 2013. In Crime No. 220 of 2010 he was also charge-sheeted for offence punishable under section 302, 120B of the Indian Penal Code. According to the learned Counsel for the applicant, he has been acquitted.

7 Taking into consideration the papers of investigation, the statements of the neighbours recorded by the police in the course of investigation and the police report, this Court is of the opinion that the applicant does not deserve discretionary relief under section 438 of the Code of Criminal Procedure, 1973. Hence, the application being sans merits stands rejected.

8 However, the observations made hereinabove are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration at the time of trial.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)