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

**ANTICIPATORY BAIL APPLICATION NO. 926 OF 2018
WITH
ANTICIPATORY BAIL APPLICATION NO. 927 OF 2018**

Anand Baan Godhra @ Mighty

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Pankaj Kavale for applicants.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd August 2018.

P.C.:

1] The applicant is apprehending arrest in CR No.I-55 of 2018 dated 31.3.2018 and CR No.I-40 of 2018 dated 30.3.2018 registered with Badlapur East Police Station, District Thane under sections 384, 387 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

As the nature of the allegations made against the applicant in both the crimes are same and/or similar, both the applications are decided by a common Order.

3] The prosecution case in brief is that, the applicant is a conduit between the crime syndicate allegedly headed by D.K. Rao and the victim in the present crime. It is alleged that, the co-accused approached the victim (informant herein) and threatened him to cough up ransom failing which he will have to lose his life. Hearing the name of the said head of the crime syndicate, victim coughed up ransom and the same was accepted by the co-accused. The police on 29.3.2018 arrested certain accused persons and during their preliminary interrogation, they divulged that, the accused persons namely Vikram Jadhav, Sayeed Aslam Shaikh, Rahul Dongare and Irfan Salim Khan by extending threats in the name of D.K. Rao used to target gullible victims and used to extort huge amounts from them. During the course of investigation, it was further revealed that, the applicant is conduit between the said accused persons who actually committed the crime and the victim. The applicant used to provide valuable information about the financial status of the victims to the co-accused. It further revealed that, Vikram Jadhav used to give calls to the victim under the guise of D.K. Rao and therefore victims use to fear of their life and hand over ransom to the co-accused.

4] The learned counsel for the applicant submitted that, the applicant is a social worker and on various occasions, he has lodged the complaints against Police Inspector Shri Chaoudhary and the Assistant Commissioner of Police of the said Zone namely Shri Sunil Patil and therefore the said Police Authorities falsely implicated the applicant in the present crime. He further submitted that, the applicant has made such last representations on 29.3.2018 i.e. just two days prior to lodgment of the present two crimes on 31.3.2018 and 30.3.2018 respectively. He submitted that, the statement made by the co-accused in the Police Station is inadmissible in the eyes of law and that aspect can also be looked into while deciding the present application. He further submitted that, the opponents of the applicant wanted to settle political vendetta against him and therefore also the applicant has been falsely implicated in the present crime. He therefore submitted that, the applicant may be granted pre-arrest bail.

5] At the outset it is to be noted here that, it is the settled position of law that, for the purpose of investigation, the statement of the co-accused can be taken into consideration, which gives lead to further investigation in a crime. The admissibility of the statement, if recorded

under section 27 of the Indian Evidence Act and can be tested at the time of trial, if the police process to file final report against the applicant. However, while deciding the present application and for having over all purview of the matter, the statement of the co-accused can be taken into consideration at this stage.

6] As far as the representation made by the applicant on 29.3.2018 to the higher police authorities is concerned, it is to be noted here that, the Police Inspector Mr. Chaoudhary arrested some of the accused persons in the present crime on 29.3.2018 in the morning and during the course of their preliminary interrogation, the role played by the applicant is surfaced. It appears from the record that, after sensing danger of his apprehension at the hands of the police as his name was revealed by the co-accused, the applicant with a view to camouflage his misdeeds and with a view to create evidence in his favour has made the said representation dated 29.3.2018 to the concerned. The endorsement on the said representation reveals that, the date of receipt of the said representation as 2.4.2018 i.e. after lodgment of the present crimes. Thus prime facie it appears that the applicant by antedating the said representation submitted it with the higher police authorities on 2.4.2018.

As noted earlier, the role of the applicant as has been revealed during the course of investigation is that he is the conduit between the victim and the co-accused who used to demand ransom from the victims. It is the further prosecution case that, the applicant used to provide valuable information about the financial status of the victims from the vicinity and thereafter the co-accused used to give threats to them for ransom.

7] In view of the above and after taking into consideration the serious nature of allegations against the applicant and the gravity of the offence, this Court is of the considered view that the applicant does not deserve to be protected by pre-arrested bail.

8] Both the Applications are accordingly rejected.

9] At this stage, the learned counsel for the applicant submitted that, interim relief granted by this Court may be extended for further period of four weeks from today. However, after taking into consideration the serious allegations against the applicant and vital role played by him in the crime the said prayer is rejected.

(A.S.GADKARI, J.)

Anil
Chandrakant
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signed by Anil
Chandrakant
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