

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

BAIL APPLICATION NO. 1782 OF 2018

Mohammed Anwar Mohammed Ishaque MominApplicant
V/s.

The State of MaharashtraRespondent

Mr. M.K. Kocharekar for the applicant.

Mr. Ajay Patil, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th SEPTEMBER, 2018.

P.C.:

. Heard Mr. M.K. Kocharekar, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.I-84/2018 registered with Bhiwandi City Police Station, District Thane for offences punishable under section 384 and 75 of the Indian Penal Code.

3. The first information report *prima facie* reveals that the first

informant was trying to develop his property bearing C.S.No.370 and 371 situated at Bhiwandi. It is alleged that the applicant herein had made several applications before various authorities with an intention of obstructing the said development. It is further alleged that the applicant had also demanded cash of Rs.35,000/- from the first informant so as to ensure that there is no obstruction to the said development. The first informant has claimed that he had paid Rs.4,000/- to the applicant and that the applicant was threatening him to pay an amount of Rs.31,000/-. The first information report was therefore lodged against the applicant for committing an offence of extortion.

4. Mr. Ajay Patil, learned APP submits that the investigation is completed and charge sheet has already been filed against the applicant. Hence, the presence of the applicant is no longer required for the purpose of investigation. Learned APP also submits that there are no criminal antecedents as against the applicant.

5. Considering the above facts and circumstances, in my considered view, the applicant is entitled for bail. Hence, the Bail Application is allowed on following terms and conditions :-

- (a) The applicant who is arrested in C.R.No.I-84/2018 registered with Bhiwandi City Police Station, District Thane is ordered to be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with one or two solvent sureties in the like amount.
- (b) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.
- (c) The applicant shall not change his residential address without prior intimation to the concerned Court.
- (d) The applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)