

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

ANTICIPATORY BAIL APPLICATION NO. 2028 OF 2018

Mr. Mahipal Nath Ram Rawal @ Rahul ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mrs. Amita Sawalkar, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : OCTOBER 09, 2018.

PC :

1 This is an application for grant of anticipatory bail in connection with C.R. No. 320 of 2018 registered with D. N. Nagar Police Station for offences punishable under sections 341, 385, 393, 394 , 120 (B) of the Indian Penal Code.

2 The prosecution case is that the first informant – Rupesh wanted to take revenge with Jayant Pandey, who was the father of his girl friend. For that purpose, he sought services of the applicant-accused against the amount of Rs.45,000/- which was given to the applicant by the informant. Thereafter, the applicant-accused introduced one Abbas with the informant, as the person who would do his work at Rs.

50,000/-. Said Abbas took Rs. 50,000/- from Rupesh and assaulted Jayant Pande and snatched away his mobile phone. Thereafter, Abbas threatened the informant - Rupesh and demanded more money. He threatened that he would disclose the crime committed by the applicant to the police as well as to Jayant Pandey. The informant then handed over his gold chain of some 20 grams to Abbas. Subsequently, Abbas sent false messages from the mobile phone of Jayant Pandey and tried to extort money.

3 Learned counsel for the Applicant submitted that the applicant has no role to play in the offence. The applicant is not involved in assaulting Jayant Pandey. The entire act is attributed to Abbas. The custodial interrogation of the applicant is not necessary.

4 Learned APP submits that the applicant is the person, who was approached by the informant, and who had agreed to help the informant in assaulting Jayant Pandey against for an amount of Rs. 45,000/- which was allegedly given to the applicant. Thereafter, the applicant had introduced Abbas to the informant. It is submitted that the arrested accused, during the course of investigation, has stated that the gold chain and money has been handed over to the applicant by the informant.

5 Having heard both the sides and going through the documents, it is found that the first informant wanted to satisfy his vendetta by assaulting the father of his girl friend and for that purpose he approached the applicant, who has introduced him to Abbas. Thus it cannot be said that the applicant has no role to play in this crime. During course of investigation, it was also disclosed that the gold chain and the amount was handed over to the applicant by the informant.

6 Taking into consideration the aforesaid circumstances, no case for grant of anticipatory bail is made out. Anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.)

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