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

ANTICIPATORY BAIL APPLICATION NO.2686 OF 2018.

Sirazahmed Khairullah Pathan ... Applicant.

V/s.

Union Territory of Daman and Diu
at Daman through Nani Daman Police
Station ... Respondent

Mr. Ashish Chavan, Mr. Kunal Shinde, Mr. Adity Iyer
and Ms. Aishwarya Kantawala, for the Applicant.
Mr. Hiten Venegaonkar, for respondent No.1.
Ms. M.S. Sharmila Kaushik, APP for the State.

CORAM : SMT. BHARATI H. DANGRE, J.

**DATE : 26th DECEMBER, 2018.
(VACATION COURT)**

P.C. :

1] The applicant, who is the sole Proprietor of M/s Danish Enterprises, who is indulged in the business of purchase and sale of scrap, has approached this Court, apprehending his arrest in connection with Crime No.140 of 2018, registered on 28.11.2018, with Nani Daman Police Station. The said F.I.R. alleges and invokes Section 387 read with Section 451 and Section 506 read with Section 34 of the Indian Penal Code. The complaint is instituted by one

Rakesh Goyal. It is in connection with this crime in which the applicant has been arraigned as accused.

2] The perusal of the F.I.R. would reveal that the complainant is into the business of polyester, at Daman and is resident of Vapi, Gujrat. The complainant has alleged that he has been receiving threatening calls from two telephone numbers. He is threatened by the caller on the other side to hand over the scrap business of Unit 3 of the company to M/s Danish Enterprises and he is cautioned through the said warning calls. It is stated that the caller has criminally intimidated him and threatened that his company will be permanently closed. The complainant then proceeded to give details of certain past events, which has occurred about four years ago and reference is made to the F.I.R. registered at Nani Daman Police Station against one Nawaj Pathan, who is brother of present applicant, the owner of Danish Enterprises. The complainant expresses apprehension that he is worried and mentally disturbed because of calls. This in nutshell is the crux of the complaint. On 17.12.2018, the Session Judge, Daman by detailed order has rejected the application.

3] Heard the learned counsel for the applicant. I have also heard learned counsel Mr. Venegaonkar, appearing on behalf of respondent No.1. On perusal of the F.I.R., it is apparent that the

complaint only narrates and expresses an apprehension which, in my considered opinion, can not form the basis of invocation of sections of the Penal Code which are sought to be invoked by registering the said F.I.R. Mere assumption and apprehension cannot form the basis of an offence being alleged. However, Mr. Venegaonkar, makes categorical statement that they are trying to trace the telephone numbers and some information has been gathered. The Respondent authorities in any case cannot be deprived of further investigation into the matter and for the said purpose, it would be sufficient to direct the applicant to co-operate with the Investigating Agency, which learned counsel for the applicant undertakes to do.

4] In such circumstances, I am inclined to grant anticipatory bail and pass the following order:-

ORDER

- I. It is directed that in the event of arrest of applicant, he be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- and on furnishing one or two sureties of the like amount.
- II. The applicant shall not tamper with the prosecution witnesses and shall not cause any hindrances in the process further

investigation.

III. The applicant shall attend the concerned police station on every Monday and Saturday between 11.00 a.m. to 1.00 p.m.

IV. In the aforesaid terms the application is disposed off.

[SMT. BHARATI. H. DANGRE, J.]