

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

ANTICIPATORY BAIL APPLICATION NO. 334 OF 2019

Imtiyaz Idris Memon ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Kuldeep S. Patil for Applicant.

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

R. P. Bagul, PSI, Wanwadi Police Station, Pune City present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 7, 2019.

P.C. :

. In Crime No. 508 of 2018 for an offence punishable under Sections 384, 385, 506(2), 504 of the Indian Penal Code, the Applicant is seeking pre-arrest bail.

2. The submissions of the Applicant is, the Applicant is falsely implicated in the crime in question as he has intervened in the matter and tried to solve the differences between the complainant and customer who shall provided with contaminated Bakery items.

3. In addition the learned Counsel for Applicant submits that the eye-witness to the incident has sworn an affidavit on 27th December 2018 in support of the present Applicant thereby exonerating him of the allegation of offence in question.

4. The learned APP opposed the claim and submits that there is sufficient material on record to infer involvement of the Applicant in the crime in question.

5. Having perused the investigation papers and the contents in the complaint what is noticed is, Applicant has tried to extort money from the complainant though he is not a person who has purchased the contaminated Bakery items from the complainant. Under the threats of physical assault and damage to the Bakery Shop initially an amount of Rs.7000/- was extorted and the guarantee of one Kayyum Masuri for payment of balance amount of Rs.20,000/- was taken. Out of the balance amount of Rs.20,000/- the Applicant extorted amount of Rs.2000/- from the son of said Kayyum namely, Danish and also threatened Kayyum for payment of balance amount.

6. There is strong martial on record to infer *prima facie* involvement of the Applicant in the crime in question. Apart from the fact that there are criminal antecedents, the Applicant has also tried to influence the investigation by taking Affidavit from one of the eye-witness to the incident which is placed at Page No. 23. The statement of the said witness recorded under section 161 of the Code of Criminal Procedure is son's statement and other witnesses support the case of Complainant which is sought to be throttled by the Applicant by getting a favourable Affidavit of witness. As such there is no case for grant of pre-arrest bail is made out.

7. As such, the Anticipatory Bail Application stands rejected.

(NITIN W. SAMBRE, J.)