

ISM

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

ANTICIPATORY BAIL APPLICATION NO. 461 OF 2019

Avinash Shankar Dhumal

.....Applicant

V/s.

The Senior Inspector of Police
and another

.....Respondents

Mr. Rizwan Merchant a/w Mr. Ramiz Shaikh @ Mr. Aftab Khan i/b
Rizwan Merchant and Associates for the applicant
Mr. Prakash Pawar for original complainant
Smt. J. S. Lohokare APP for the State
Mrs. S. M. Kshirsagar, PSI, Swargate Police Station, Pune.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 21, 2019.

P.C.

In Crime No. 114/2019 registered with Swargate Police Station, Pune for offence punishable under Sections 420, 406, 386, 506 of the Indian Penal Code, applicant is seeking pre-arrest bail.

2 Perusal of the papers reflects that husband of the complainant alleged to have executed Memorandum of Understanding dated

03/05/2014 (31/04/2014) in relation to land located at Mulshi, Taluka Mulashi, District: Pune for which the amount of Rs. 25 Lakhs + 25 Lakhs was paid by the husband of the complainant through two cheques drawn on ICICI bank.

3 There is one more agreement which is found to be basis for registration of crime in question pursuant to an order passed under section 156(3) of Code of Criminal Procedure, 1973. The said document is produced on record at page 92 which is claimed to have been executed on 01/05/2014 between one Merryland Realtors and Developers of which complainant claimed to be proprietor and the applicant herein. The said document is related to of marketing of plots located at Mulshi, Taluka Mulshi, Gat Nos. 984, 985 & 971.

4 The claim is, the applicant has threatened the complainant and her husband with the help of firearm (revolver) and also issued threat of kidnapping their child and extorted an amount of Rs. 5 Lakhs.

5 After having heard submissions of the respective counsel what can be inferred from the record is the dispute between the complainant and the applicant appears to be in relation to right to own and transfer the land which has a colour of a civil dispute.

6 Apart from above, the firearm with ammunition is already surrendered by the applicant to the police.

7 The learned counsel for the applicant in response to Court's query submitted that the amount involved in the present crime which is claim to have been extorted is lying in the bank. According to him he shall surrender the said amount to Investigating Officer within two weeks. The statement is accepted as an undertaking.

8 The fact remains that the similar earlier complaint appears to have been investigated by the Anti Extortion Cell pursuant to complaint dated 13/07/2017 and no incriminating role could be inferred as against the applicant in the said crime.

9 In the aforesaid background, in my opinion, case for pre-arrest bail is made out.

(A) In the event of arrest of the applicant in Crime No. 114/2019 registered with Swargate Police Station, Pune, applicant be released on bail on executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(B) Applicant shall not influence witnesses or tamper with evidence.

(C) Applicant to attend Investigating Officer on 27/02/2019, 04/03/2019, 06/03/2019 and 08/03/2019 between 10.00 a.m. to 12.00 noon and thereafter as and when directed by the Investigating Officer.

(D) Applicant shall co-operate with the investigating agency.

(E) It is made clear that the observations made herein above are restricted only to the extent of consideration of pre-arrest bail.

10 Application stands disposed of.

[NITIN W. SAMBRE, J.]