

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 730 OF 2019**

Vikas @ Bhana Anant Gaikar & Ors.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Ms. Sandhya Mailagir I/by Anil Joshi for the Applicants.

Mr. S.S. Hulke APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 27th MARCH, 2019.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 54 of 2019 dated 30th January, 2019 registered with Khadakpada Police Station, Thane City under Sections 387, 504, 506, read with Section 34 of the Indian Penal Code and under Sections 37(1) and 135 of the Mumbai Police Act.

2 Heard the learned counsel appearing for the Applicants and the learned APP. Perused the record.

3 It is the prosecution case that, the informant and the Applicant are having their eateries adjacent to each other. That, since

19th January 2019, till the date of lodgment of the crime, the Applicant threatened the informant and demanded ransom for permitting him to continue his establishment. It is also alleged that, the Applicant threatened informant and told him to provide liquor free of cost to himself and to his associates. That, the Applicant extended threat of serious consequences if his demands are not fulfilled. It is alleged that, since the informant did not accept the demands of the Applicant, the Applicant along with co-accused caused damage to the two wheeler vehicle of the informant.

4 The first information report is self eloquent. The record indicates that, prior to the lodgment of the present crime, the Applicant was involved in other 11 crimes, out of which six crimes are resulted into acquittal and five crimes of similar nature are still pending for final adjudication. It appears that, when the Applicant was on bail in the earlier crimes, he has committed the present offence. It further prima facie appears from the record that, the Applicant is habitual offender and a history sheeter on the record of police.

5 In view of the above, I find no reason to exercise the discretionary jurisdiction under Section 438 of the Code of Criminal

Procedure in favour of the Applicant.

Application is accordingly rejected.

(A.S. GADKARI, J.)