

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

ANTICIPATORY BAIL APPLICATION NO.1304 OF 2019

Dinesh Waman Awale

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. Sujit Mashal I/b. Hulyakar and Associates, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. S. K. Rasal, ASI, Bhosari Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.393/2019 registered with Bhosari Police Station under Section 387, 427, 336 r/w. 34 of IPC.

2. The offence is registered at the instance of one Ashish Jagtap on 1/4/2019. He has stated in his FIR that he is carrying on business of decorators. He was particularly given business in Trilokya Cultural Center, Dapodi. The present applicant and 3 to 4

others were harassing him since past about nine months. They were demanding extortion money. On 5/3/2019, the applicant's friend were sitting in the hall and were drinking liquor. When the first informant objected, they assaulted him. On 14/3/2019, when the first informant had gone to that hall to collect his goods, the present applicant and others were sitting there. When they saw him, they came running towards him and told each other that he should be assaulted. When the first informant started going away from there, applicant and others chased him. They chased him for some quite distance. The applicant and his friends continued harassing him for payment of extortion money. For 23/3/2019, the first informant had received some order for his business. Two days prior to that i.e. on 21/3/2019, the present applicant and his friends were sitting in the hall consuming liquor. Therefore, the first informant got frightened and did not go there. He refused to fulfill his contract. At the behest of his customers, he went to the hall. That time, the present applicant and his friends started pelting stones on his car. The incident was captured on CCTV footage. Thereafter, the first informant reported the matter to the

police. According to him, his life had become miserable and he was unable to carry on his business. On this basis, the FIR is lodged. The FIR is lodged on 1/4/2019.

3. Heard Mr. Mashal, Ld. Counsel for the applicant and Ms. Kaushik, Ld. APP for the State.

4. Ld. Counsel for the applicant submitted that a false case is lodged against the present applicant. He submitted that he is ready to abide bail conditions imposed by this Court. He submitted that custodial interrogation of the applicant is not necessary.

5. As against this, Ld. APP produced the investigation papers before me which contained the photographs of the car damaged by the present applicant and his associates. According to Ld. APP, the investigating agency has recovered CCTV footage. Therefore, at this stage, the applicant cannot deny the occurrences of the incident. The incident in the FIR makes out a case that the

informant is constantly harassed and is asked to pay extortion money. The offence under Section 387 is clearly made out. Looking at the gravity of the offence, the custodial interrogation of the applicant is necessary. No case of anticipatory bail is made out. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)