

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

ANTICIPATORY BAIL APPLICATION NO.1999 OF 2019

Daud Husain Murshad

... Applicant

Versus

State of Maharashtra

... Respondent

Mr. Ujwal R. Agandsurve for Applicant.

Smt. A. A. Takalkar, APP for State.

Mr. S. P. Rajepandhare, for Intervener.

Mr. Alfaz N. Shaikh, PSI, Sadar Bazar Police station, present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 16th SEPTEMBER, 2019

P. C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 637 of 2019 registered with Sadar Bazar Police Station, Solapur, under Sections 327, 385, 452, 427, 323, 504 and 506 r/w. 34 of the IPC.

2. The FIR is lodged on 08/08/2019 by one Sameer A. Vahab Hakim. He has stated in his FIR that he had taken a plot No.7109 in front of Rangbhavan, from Rangbhavan Muslim Kabrastan Trust on

lease for 99 years and he was paying rent of Rs.1000/-p.m. It is further mentioned that, in the year 2011 he had taken one shop from one of the Trustees of Rangbhavan Trust namely Dadamiya Mehboob Murshad. He expired about a year prior to the FIR. His heirs were not in favour of the continuation of the rent agreement. The present applicant and others who were his heirs used to approach the informant's shop and used to threaten him. They were demanding Rs.5 lakhs as extortion money for continuing with the rent agreement. It is alleged in the FIR that on 07/08/2019, at around 9.45a.m. the present applicant, Jabbar Murshad, Gafar Murshad, Firoj Shaikh, Bilkish Bagwan and Shahajahan Murshad entered his shop with iron rods and stick. They started abusing the informant. They demanded Rs.5 lakhs. The informant was assaulted with stick and fist blows. His gold bracelet was removed. It is alleged that the applicant took away Rs.95,240/- from the cash counter. The CCTV machinery was damaged. It is further alleged that other co-accused removed laptop and printer. On this basis, the FIR is lodged.

3. Heard Mr. Ujwal R. Agandsurve, learned counsel for the applicant, Smt. A. A. Takalkar, learned APP for State and Mr. S. P.

Rajepandhare, learned counsel for the Intervener.

4. Learned counsel for the applicant submitted that, there are long standing civil disputes between the parties and the present applicant is falsely implicated. He submitted that one of the accused i.e. Jabbar was in hospital and yet his name was included in the FIR. He submitted that the applicant's mother has lodged FIR in respect of the same incident which is registered vide C.R. No. 638 of 2019 and the main allegations are U/s.354 and 354B of the IPC against the first informant. He, therefore, submitted that the informant has not depicted true story in his FIR. Learned APP opposed this application and produced papers of investigation which included spot panchanama and statements of four witnesses namely Mushtaq, Jamadar, Kisan Pangduwale and Akshay. They have corroborated the statement made in the FIR.

5. I have considered all these submissions. The informant's story mentioned above is corroborated by four witnesses who were employees of the first informant. Their presence at the shop was normal. At this stage, it is difficult to doubt the statements made in the FIR making allegations against the applicant. The allegations are

serious. The accused had entered the informant's shop unauthorisedly and had removed big amount from the cash counter. The spot panchanama also supports that some damage was caused to the CCTV machinery. In this view of the matter, custodial interrogation of the applicant is necessary. Hence, no case is made out for grant of anticipatory bail.

6. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)