

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

CRIMINAL BAIL APPLICATION NO. 3350 OF 2018

Sanjiv Pandit Patil	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Ganesh R. Dalvi a/w Mr. Sujit Shelar for the applicant.
Ms. G.P. Mulekar, APP for the Respondent-State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 22nd JANUARY, 2019.

P.C.

1. This is an application for bail in connection with C.R. No. I-112 of 2018 registered with Vishnu Nagar Police Station for the offence punishable under Sections 387 and 120(B) of Indian Penal Code. Applicant was arrested on 16th August, 2018.
2. The case of the prosecution is that the complainant is a developer by profession. The marriage of the complainant's niece was scheduled on 30th April, 2018. On 28th April, 2018, the complainant received a call on his cell phone. The caller informed as to whether Joshi is on line and on answering in the affirmative he was abused and threatened. The caller demanded an amount of Rs.2,00,000/- and threatened that in the event arrangement is

not made, he will have to face dire consequences and caller had already murdered several persons. Although, the complaint was made to the police after the incident, the complainant did not follow the complaint as he was busy in the marriage of niece. FIR was lodged on 10th May, 2018 under Section 387 and 120 B of Indian Penal Code.

3. During the course of investigation, co-accused Bhagwan Vithal Vishe and Mr. Razak Firoz Shaikh was arrested on 11th May, 2018. On the basis of the statement of co-accused, the name of the applicant came to light.

4. Learned counsel for the applicant submitted that applicant himself had surrendered before the police on 16th May, 2018 and since then he is in custody. The contention of the applicant is that there is no evidence showing involvement of the applicant in the said crime. The case relates to the single call of threat issued by the caller to the complainant. It is submitted that the First Information Report was lodged after about a period of 20 days from the date of alleged threat. The name of the applicant was brought on record for the first time in the recovery panchanama of the co-accused. It is submitted that the CDR of co-accused who

has made alleged threat call to the complainant does not show that the applicant had called him at any point of time either before or after the incident of threat of extortion. It is submitted that there is no communication between the main accused and the applicant. There are no independent witnesses to the alleged incident to ascertain that the call was made and threat was issued at the instance of the applicant. Except the statement of co-accused, there is no other evidence against the applicant.

5. Learned APP submitted that the involvement of applicant disclose during the course of investigation. It is submitted that CDR records shows that the applicant had made calls to accused No.1 who had issued threats to the complainant.

6. Having heard both sides, it is apparent that there is no direct evidence against the applicant showing his involvement except the alleged call made by the applicant to the co-accused No.2. There is no other evidence to show the complicity of the applicant. Prosecution is relying upon the statement of the co-accused recorded during the course of investigation. There are no criminal antecedents against the applicant. Investigation is completed and chargesheet has been filed. In the circumstances the case for grant of bail is made out. Hence, I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with with C.R. No. I-112 of 2018 registered with Vishnu Nagar Police Station on furnishing P.R. of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to the concerned police station once in a month on first Saturday of every month between 11 a.m. to 1 p.m. till further order;
- iv. Applicant shall not tamper with the prosecution witnesses;
- v. Application stands disposed off.

(PRAKASH D. NAIK, J.)