

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No. 226 of 2019

Subhash Bhimpuri Goswami

Vs.

State through P.S. Sakkardara, Nagpur City

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.A. Dhawas, Advocate for applicant.
Mr.H.R. Dhumale, APP for non-applicant.
Mr. Rizwan Ali, Adv. assist to prosecution

CORAM : MANISH PITALE, J.

DATED : JUNE 25, 2019

In compliance with the order dated 10/06/2019, the learned APP has handed over a pursis along with copy of the oral report, leading to registration of FIR and also chart regarding antecedents of the applicant. A pursis along with the documents is taken on record.

2. The applicant herein has approached this Court seeking anticipatory bail in respect of offences registered against him under Sections 384 and 506 of the Indian Penal as per FIR dated 18/02/2019. The allegation against the applicant is that he has been blackmailing the informant and seeking to extort money from him by threatening to continue to make complaints and allegations against the informant before the authorities.

3. The learned counsel for the applicant has contended that the FIR in the present case is a counter blast to repeated applications and complaints made by the applicant against the informant in respect of falsely posing to be a reporter of daily "Police Today" and putting up of hoardings by the informant (complainant) without due permission from the municipal authorities. It is contended that, angered by the complaints made by the applicant in this regard, the complainant has come up with false case against the applicant. On 15/06/2019, this Court found that the applicant had made out prima facie case for grant ad-interim anticipatory bail and accordingly he was granted such protection as follows.

"The applicant is granted ad-interim anticipatory bail. In the event of arrest in connection with Crime No. 91 of 2019 registered by Police Station, Sakkardara, Nagpur, the applicant be released on bail on furnishing PR bond of Rs.25,000/- (Rupees twenty-five thousand only) with one surety in the like amount, on the following conditions.

The applicant attend the Police Station, Sakkardara, Nagpur once in a week i.e. on every Sunday in between 10:-- a.m. to 5:00 .m.

The applicant shall cooperate with the investigating agency.

Issue notice to the respondent / State returnable on 23rd April, 2019."

4. It is contended by the learned APP that the applicant is in the habit of indulging in activities similar to the one that has led to registration of FIR in the present case. It is contended that he has criminal antecedents to the effect that he was alleged to have committed similar offences earlier and that, therefore, the present application was required to be rejected. Similar contentions were raised on behalf of the complainant who has filed the application before this Court to assist the prosecution. A perusal of the material on record does show that since January, 2018, the applicant had approached various authorities against the complainant on the ground that he was claiming himself falsely to be a reporter of the aforesaid newspaper and that he had illegally and without permission put up hoardings for which action was required to be taken against the complainant. It is thereafter on 18/02/2019, that the complainant submitted an oral report, leading to registration of aforesaid FIR against the applicant. The material on record, prima facie, shows that there is a dispute between the applicant and the complainant and that there are written complaints filed by the applicant prior in time before various authorities, after which the complainant lodged the said oral report, leading to registration of FIR.

5. It is significant that in the oral report itself the complainant has claimed that he had recorded the

conversation between him and the applicant, which would indicate that the applicant had committed the aforesaid offences. A reference has been made to a pen-drive in which such recording was submitted along with the oral report. If that be so, the Investigating Officer can certainly look into the same and take appropriate steps during investigation, including seeking voice samples of the applicant, if required.

6. In this situation, this Court is of the opinion that the present application deserves to be allowed. Accordingly, the present application is allowed. The applicant is granted anticipatory bail on the same conditions on which ad-interim anticipatory bail was granted by order dated 15/04/2019. It is directed that the applicant shall continue to attend the said Police Station once a week i.e. on every Sunday between 10.00 a.m. to 5.00 p.m., till filing of chargesheet. The applicant shall continue to co-operate with the investigation and give his voice sample, if required, to the investigating agency. The applicant shall not tamper with the evidence or influence witnesses.

7. In view of the above, since the present application stands allowed, no orders are required to be passed on APPR No. 967 of 2019.

JUDGE