

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

CRIMINAL BAIL APPLICATION NO.2363 OF 2019

Nikhil Sanjay Khomane

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Satyavrat Joshi, a/w Nitesh J. Mohite, for the applicant.
Mr. S. H. Yadav, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th January, 2020

P.C.:

1. The applicant is arrested in connection with C.R.No.35 of 2019, registered with Kothrud Police Station, District- Pune for offences punishable under Sections 307, 387 and 392 of the Indian Penal Code ('IPC' for short). The First Information Report was lodged on 25th January 2019.

2. It is alleged that, on 25th January 2019, accused arrived in jeep and stopped in front of shop of the complainant. He entered into shop of the complainant. Accused removed sickle and demanded Rs.2000/-. The complainant refused to pay. Accused abused and attempted blow by sickle on the complainant. He managed to avert

the attack. The members of public gathered. The accused threatened them of dire consequences. The FIR was registered.

3. Learned counsel for the applicant submitted that, the applicant is in custody for a period about one year. The Statement of witnesses are stereotype. No injury caused to the complainant or any other person. The applicant had allegedly assaulted the complainant with blow but he was allegedly avoided the blow. In the absence of injury, the applicant may not subject to custody for indefinite period. The applicant is willing to avoid by any condition.

4. Learned APP submitted that, there is ample evidence against the applicant to indicate that, he has involved in extortion activities. The statement of several witnesses are recorded. The applicant was armed with a weapon and attempted to use it. There are twenty three cases pending against the applicant. Most of the cases related to theft, robbery, trespass etc.

5. I have perused the First Information Report and other documents, the statement of the witnesses mentioned that, the applicant is indulging in extortion activities. The applicant tried to assault the complainant. He was armed with weapon. It would be important to note that, there are about twenty three cases registered against the applicant. Hence bail cannot be granted.

6. Bail application No.2363 of 2019 is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)