

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

ANTICIPATORY BAIL APPLICATION NO. 2546 OF 2019

Bharat Ratnakar Shetty

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shadab B. Khopekar for Applicant.

Mr. Swapnil S. Pednekar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th OCTOBER, 2020

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 136 of 2017 registered with Charkop Police Station, under sections 365, 324, 323, 504 and 506 r/w. 34 of the Indian Penal Code.

2. The FIR is lodged by one Faruk Darji on 24/03/2017. In the FIR he has stated that, on 20/03/2017 he received a phone call from one Sanjay Verma who was known to him. Sanjay informed the first informant that, some persons were interested in

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exchanging old currency notes worth Rs.09 crores. On 22/03/2017 Sanjay told the informant to come at a particular place near Amboli Naka, Andheri (W). However, their illegal transaction could not take place because they were told that the police were aware of their plans. On 23/03/2017, Afajal and Bhavesh who were introduced by Sanjay met him. One more person was with them. They started beating the informant on the allegation that the informant had told the police about their plans. The informant's friend called police. Police reached there immediately and all of them were taken to police station. At the police station the informant, Afajal and Bhavesh settled the dispute between themselves. By that time it was midnight. After that, Afajal, Bhavesh and unknown person induced the informant somewhat forcibly to accompany them for dinner. In the car they again started beating the informant. He was taken to Sanjay Verma's house. He was not there. At about 3.30a.m. one Fortuner Car came there. Four persons got down from that car. One was named Saiba and other was Tejas. The informant came to know about their names through their conversation. There were two

others accompanying Saiba and Tejas. Their description is given in the FIR. The informant was made to sit in the Fortuner car and again he was beaten. Around 6.15a.m. one of them who had come in Fortuner car gave him cigarette burns and again beat him. He was beaten with a belt. He was taken near Andheri Criticare Hospital. At that time, he saw a patrolling police van. He sought their help. Accused went away from the spot. On this basis, the FIR was lodged.

3. Heard Mr. Shabad Khopekar, learned counsel for the applicant and Mr. Swapnil Pednekar, learned APP for the State.

4. Learned counsel for the applicant invited my attention to an order passed by the Court of Sessions, Dindoshi in A.B.A.No.624 of 2017 whereby one accused named Saiba was granted anticipatory bail. Learned counsel for the applicant submitted that the applicant's name does not appear in the FIR. At the highest, he could be described as an unknown person who accompanied Saiba. Saiba is granted anticipatory bail, therefore, on the ground of parity the applicant deserves same protection.

5. Learned APP invited my attention to the

supplementary statement of the first informant which is recorded on 12/04/2017. In that statement the applicant's name is mentioned and the role attributed to him is that, he came in Fortuner car with Saiba, Nilesch, Tejas and the owner of that Fortuner car. In that supplementary statement it is mentioned that the applicant had beaten informant with his hands and a belt. Learned APP submitted that, specific role is attributed to the present applicant.

6. I have considered these submissions. In the FIR, the applicant's name is not mentioned. Description of two unknown persons who had came in Fortuner car along with Saiba is given. However, on 12/04/2017 without any further explanation the applicant's name appears in that supplementary statement. Obviously, this is added as an afterthought. Saiba is already granted anticipatory bail. Hardly any significant role is attributed to the present applicant. The applicant's name appears to be implicated belatedly and sufficient doubt is created about the truthfulness of this supplementary statement. The informant's own conduct is not above suspicion. He himself was indulging in an

illegal activity. He does not appear to be a trustworthy witness himself. In this view of the matter, the applicant deserves protection of anticipatory bail. Custodial interrogation of the applicant is not necessary. However, the applicant will have to cooperate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 136 of 2017 registered with Charkop Police Station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station, as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)