

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2133 OF 2021

Aslam Sattar Nadaf

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. S.P. Rajpandhare for the Applicant.

Smt. Anamika Malhotra, APP for the Respondent State.

CORAM : A. S. GADKARI, J.

DATE : 14th SEPTEMBER, 2021.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in connection with C.R. No. 0357 of 2021 dated 29th July, 2021 registered with Jodbhavi Peth Police Station, District Solapur City for the offence punishable under Sections 384, 385 and 341 read with Section 34 of the Indian Penal Code.

2 Heard Mr. Rajpandhare, learned Advocate for the Applicant and Smt. Malhotra, learned APP for the Respondent-State. Perused record of investigation.

3 The first information report is lodged by Mr. Arunkumar S. Patil.

It is the prosecution case that, the informant is in the business of trading of food grains. That, on 28th July, 2021 at about 3.00 pm, he

loaded a truck of Navsamata Transport bearing No.MH-13, AX-4268 with 12 tones and 200 kg of wheat. The said wheat was to be delivered at Ambika Food Industries Private Limited, Hyderabad. The driver of the said truck was Mr. Nagnath V. Bansode. At about 3.40 p.m. when the informant was at his shop, he received a call on his mobile phone from his driver Mr. Nagnath Bansode, who informed him that, some persons have detained his vehicle near Swad Hotel on the service road leading to Hyderabad and asked the informant to come at the said place. When the informant went to the said spot, some persons were standing near his truck. One of them told the informant that, the wheat loaded in the truck was for black marketing and the informant will have to take the said truck to MIDC Police Station/Jail Road Police Station/Jodbhavi Peth Police Station, otherwise the said person has already informed the officers of the said 3 Police Stations and the police will reach at the spot shortly. The informant thereafter asked identity card of the said person, whereupon the concerned person told him that, he is a Press Reporter by name Adam Mulani and told the informant that, if he wants to settled the matter, he will have to pay Rs.10,000/- for it. After bargaining, the deal was settled at Rs.6,000/-.

The informant was thereafter directed to withdraw the amount from ATM, which the informant accordingly did it. A person accompanied him to the ATM of I.C.I.C.I. Bank at Boramani Naka, Solapur. The informant withdrew Rs.5,000/- from the said ATM and added Rs.1,000/-

from his pocket and gave it to the person who had accompanied him. The description of the said person has been given by the informant in the first information report. In this brief premise, the present crime is registered.

4 Learned counsel for the Applicant submitted that, the Applicant and the other accused had already lodged various complaints against the police officers of the said three police stations and with a view to take revenge and to pressurize the Applicant and other accused persons in not pursuing with the said complaints, the present false FIR is registered against them. He submitted that, the Applicant has no role to play in the present crime. He therefore prayed that, the Applicant may be protected by pre-arrest bail by allowing the present Application.

5 Perusal of record indicates that, it is the Applicant who had accompanied informant when the informant withdrew Rs.5,000/- from the ATM of I.C.I.C.I Bank at Boramani Naka, Solapur. Specific description of the concerned person has been given by the informant in the FIR. The test identification of the Applicant is yet to be conducted by the police. The accused persons, instead of approaching police in lodging the complaint against alleged black marketing of wheat which according to the Applicant was of public distribution system, the Applicant and co-accused took law into their own hands and have indulged into extortion of money from the first informant. The allegations against Applicant and co-accused are undoubtedly serious in nature.

It *prima facie* appears that, the alleged complaint filed by the Applicant and/or co-accused against the police officers was designed only to create defence in advance to camouflage their misdeeds and to have license to commit crime of present nature.

6 In view of the above and after taking into consideration the serious allegations against the Applicant and the gravity of the offence, this Court is of the considered view that, the Applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly dismissed.

(A.S. GADKARI, J.)