

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

ANTICIPATORY BAIL APPLICATION NO. 196 OF 2021

Omkar Haribhau Bhalekar	 Applicant
Versus	
The State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 198 OF 2021**

Mahendra Oswal	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Nitin Sejpal, for the applicant.
Mr. Ajay Patil, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 22nd FEBRUARY 2021**

P.C. :

1. In both these applications, this common order is passed today, because they arise out of the same investigation and the same crime. The applicants are referred to by their names for the sake of convenience. The Applicants are seeking anticipatory bail in connection with C.R.No. 64 of 2020 registered with Khalapur Police

Station, Dist. Raigad, under Sections 386, 387 and 504 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Sejpal, learned counsel for the applicants and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Ramakant Pandey. He has stated that, he had purchased a bungalow at Magic Hills, Ambivali, Tal. Khalapur. The bungalow number was 16. Renovation of that bungalow was to be carried out by one Bhupesh Sharma, but he had not completed the work. The informant used to visit the place to see the progress of that work. On 02/03/2020 the informant and his wife had gone to that bungalow. At about 2.30p.m. both the applicants approached him. They threatened him and asked him to pay Rs.3 lakhs. They told the informant that they were local residents and he had to pay extortion amount. At that time, the informant gave them Rs.22,000/-. On 17/03/2020, at about 1.30p.m., he

received a call from the applicant Mahendra Oswal and even at that time, applicant Mahendra demanded remaining amount of extortion money. He threatened the informant. It is alleged that the applicant Mahendra then tried to make two more phone calls, but the informant did not respond and instead approached the police and lodged this F.I.R.

4. Learned counsel for the applicants submitted that the applicants were suppliers of material which was used in renovation of the bungalow. There was big outstanding amount which was not paid by the first informant. The applicants only demanded their legitimate dues but to avoid making payment, this F.I.R. is lodged by the first informant.

5. Learned counsel for the applicants relied on the transcript of conversation between one Bhupesh Sharma, the applicant Mahendra and the first informant Pandey. There is some reference to supply of material and non

payment of that amount. Shri. Sejpal submitted that the original recording of this phone call is available with the applicants and they had already supplied the C.D. to the police of such recording to establish their case.

6. Learned APP, on instructions stated that the aforementioned Bhupesh Sharma made construction for the first informant. For that purpose, the applicants had supplied material. To that extent, the applicants' story is true. The applicants have also tendered a C.D. of recording. Learned APP further submitted that mobile phones in which the recording was made was not handed over by the applicants. Mr. Sejpal, on the other hand, stated that the applicants are ready and willing to hand over that particular hand set to the investigation agency.

7. I have considered these submissions. The case of the applicants thus is even supported from the investigation carried out so far. It reveals that Bhupesh Sharma had undertaken construction for the informant for

which material was supplied by the applicant. To that extent applicants story is true, as admitted by the investigating agency. In this view of the matter, it was natural for the applicants to have demanded their dues. For that purpose, whether they had threatened the first informant would be matter of investigation and trial. But since their story is substantially true and since they are ready and willing to hand over the hand set in which the recording is made, they can be protected by an order of anticipatory bail.

8. Hence the following order.

ORDER

- (i) In the event of their arrest in connection with C.R. No.64 of 2020 registered with Khalapur Police Station, District Raigad, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

- (ii) The Applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The applicants shall hand over hand sets to the investigating agency in which the conversation between the parties is recorded and which is relevant for the investigation purpose.
- (iv) Both the Applications are disposed of accordingly.

(SARANG V. KOTWAL, J.)