

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

ANTICIPATORY BAIL APPLICATION NO.214 OF 2021

Nirajkant Subhashchandra Gupta Applicant

versus

State of Maharashtra Respondent

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- Mr.Kuldeep S. Patil, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.225/20 registered with MIDC Police Station, Sangli, under sections 353, 504, 506 of the Indian Penal Code.

2. The FIR is lodged by Sales Tax Officer Shailendra Jagannath Pende. He has stated that as a part of their duty he is required to inspect the establishments and offices of businessmen in Sangli City and to collect the tax. On 31/12/2020, at about 03.30 p.m., the informant along with his

colleague Shivraj Nathuram Bhoite, who was also a GST Inspector went to the Applicant's company named Vyankatesh Textile, at Madhavnagar Sangli. At that place, the informant showed his identity card and asked to see the Applicant's father. It is mentioned in the FIR that the Applicant asked him to wait and told him that he would call his father. There are allegations that the Applicant then tore the documents which were carried by the informant and told the informant to leave the office. On this basis, FIR is lodged.

3. Heard Mr.Kuldeep S. Patil, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant has an HUF and he had lost his father 6 years prior to the alleged incident. Therefore it would be improbable that he would have told the informant to wait and that he would call his father. He submitted that in respect of the same incident, the Applicant had made a phone call to the police as he wanted to

lodge complaint regarding illegal demand made by the informant. He submitted that the informant, after this incident, had contacted the Applicant's chartered accountant and had told him that the Applicant should not make any complaint about illegal demand. He submitted that the Applicant could not take immediate steps and in the meantime, the informant went to the police station and lodged the complaint.

5. On the last occasion submissions of learned counsel for the Applicant were noted and the investigating agency was directed to make their stand clear in respect of those submissions. Today, the learned APP has produced before me the statement of API Nilesh Bagav, who has stated that, at about 03.30 p.m., on 31/12/2020 the Applicant had called him and had told him that some GST officers were threatening him and that he wanted to lodge complaint. The Applicant came to Sangli City Police station at about 08.00 p.m. and told this witness that he wanted to lodge complaint. The API told the Applicant that the incident had taken place within the

jurisdiction of MIDC Police station and therefore he should go there to lodge his complaint. Thereafter the Applicant received a phone call from MIDC police station and he was called there. Thereafter the Applicant went to MIDC police station. Thus this statement does support the Applicant's case that he had made a phone call in the afternoon, which is regarding his complaint against the informant in this case.

6. His case is further supported by his C.A.'s statement. He has stated about a series of incidents on that day. There was conversation between him and the informant. This witness has stated that the informant Pende wanted written apology from the Applicant and he also wanted the Applicant to give assurance that he would not make complaint against him. Thus the Applicant's case is supported by these two witnesses. In this view of the matter, the occurrence of incident as narrated by the informant in this case is doubtful and it remains a matter of investigation. Considering that the sufficient doubt is created in the story of the informant, custodial interrogation of the

Applicant is not justified. He can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.225/20 registered with MIDC Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)