IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.914 OF 2021

Ananth Premanath Shetty ... Applicant
versus
The State of Maharashtra ... Respondent

Mr.Aditya Mithe i/by Ms.Shubhada D. Khot for applicant.
Mr.Y.M.Nakhwa, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th April 2021

PC :

1. This is an application for anticipatory bail in CR No.122 of 2020 registered with Anti Extortion Cell, DCB, CID, Mumbai for offence under Section 387 read with Section 34 of Indian Penal Code. The FIR was initially registered with Worli Police Station vide CR No.303 of 2020.

2. The case of prosecution is that the informant is engaged in the business of construction and carrying on business in the name of Nish Developers. He also conducts business in the name of Nishant Import Export at Dubai. In January-2018 the informant was introduced to Rupin Banker and his family in Dubai. Complainant provided financial assistance to Rupin Banker. Rupin Banker and his wife Minakshi Bankar by forging signatures and submitting false documents withdrawn Rs.35 crore from the account and cheated the complainant. Complaint was lodged at Dubai. Since last few months, Rupin Banker refused to take calls of complainant. On 15th

July 2019, complainant went to Mauritius. The informant received telephone call on 16th July 2019 from number +8244 from person who gave his name as Vijay. He again called. He introduced himself as person involved in six murders. He told the informant not to take action against Rupin Banker. If any action is taken, the complainant would be killed. On 20th July 2019 complainant went to Dubai. On 22nd July 2019 complainant received call from number +8244. The caller was Vijay Shetty. He abused complainant and threatened that if he demand money from Banker family, he will have to loose his life. Thereafter Vijay Shetty started threatening at the instance of Rupin Banker. On 8th August 2019 complainant received call from Hemant Banker. He told him that it would take time to return the money. On 10th August 2019 complainant received call from +8244. Vijay Shetty told complainant that no demand about money should be made with Rupin Banker. He should be given six months. On 22nd August 2019 complainant again received threat from gangster Vijay Shetty. The recorded clips were with complainant. FIR was lodged on 27th August 2020.

3. Apprehending arrest, the applicant preferred application for anticipatory bail before Sessions Court which has been rejected vide order dated 9th February 2021.

4. Learned advocate for applicant submitted that the applicant is not involved in this case. Offence u/s 387 IPC is not made out in the FIR. The applicant is not connected with the dispute between complainant and Rupin Banker. There is delay in FIR. The applicant is willing to co-operate with investigation. The applicant has no connection with the call which had threatened the complainant. The

applicant need not be subjected to custodial interrogation. The complaint do not specify requirement of Section 387 of IPC.

5. Learned Sessions Judge had rejected the application vide order dated 9th February 2021. While rejecting the said application it was observed that informant received call from number +8244. Several calls were made from this umber to the applicant. There is communication between applicant and Vijay Shetty. At the instance of applicant Vijay Shetty made threatening calls to the informant. Investigation in the present matter is in progress. The police team visited at Mangalore. The applicant is required to be interrogated. Learned Sessions Judge had also perused the investigation papers and diary entries. The role of applicant is established. The complainant had received calls from +8244 number. The applicant has also received call from the same number.

6. Learned APP submitted that there is strong evidence against applicant showing his complicity in the crime. Statement recorded during investigation revealed involvement of applicant. He had assured Rupin Banker that he would take steps to protect him. It is submitted that there is evidence to substantiate that Vijay Shetty has made threatening calls to complainant at the instance of applicant. Learned APP pointed out CDR of the applicant and submitted that several calls were received from number +8244 by the applicant. The complainant received threatening calls from the same number. The applicant is involved in other cases.

7. I have perused the documents on record. There is sufficient evidence prima facie to show involvement of applicant in the crime.

The offence is of serious nature. Custodial interrogation of the applicant is necessary. There is reason to believe that there is link between applicant and the caller who had threatened the complainant of dire consequences. The applicant is having criminal antecedents. In the circumstances no case for grant of anticipatory bail is made out. The application is rejected.

(PRAKASH D. NAIK, J.)

MST