

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

ANTICIPATORY BAIL APPLICATION NO. 1477 OF 2021

Abdul Kayum Abdul Karim Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Rahul Arote, Advocate for the Applicant.

Mr. Santosh Deshpande, Advocate for the original complainant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 2nd JULY, 2021.

PER COURT:

1. The applicant is apprehending arrest in M.E.C.R. No. 215 of 2021. The complaint was registered with Borivali Police Station, Mumbai for offences under Sections 384, 452, 504, 506(II), 120(B) of Indian Penal Code (for short “IPC”).

2. Private complaint was filed by the complainant before the concerned Court and the learned Magistrate directed investigation in accordance with Section 156(3) of Cr.P.C. and in pursuant to that M.E.C.R. No. 215 of 2021 was registered on 15th April, 2021.

3. The case of the complainant is that, on 14th February, 2021, person named Sharad Dongre threatened him on his mobile

phone. Thereafter, another person named Shiva spoke to him and told him that he wants to meet him. He can inquire with any person from Mahim about him. He also reminded to complainant about bomb blast case of 1993 and created terror in his mind. He forwarded complaint to Police on 16th February, 2021. On 25th February, 2021 at about 4.00 p.m. one Brij Veerkumar and unknown person visited his office. They made inquiry with the receptionists who told them that they should come after taking an appointment. On 26th February, 2021 Kayum Shaikh (applicant), Sharad Dongare, Brij Veerkumar, Shrivastav and 4 to 5 persons visited office of the complainant with dangerous weapons and abused him. He was questioned about property of Bhandari. The complainant told them that he has legally obtained the property by executing terms and conditions and conveyance from the High Court. Kayum Shaikh abused him. He also said that he is the same person, who spoke to him as Shiva. He also stated that he himself is Court. E.D. is in his pocket. He is informer of C.B.I. Nothing can be done to him instead of complaint is lodged against him by the complainant. The accused also told the complainant that his project is worth Rs.300 Crores and if he wants to save his family, he should part Rs. 5 Crores or else death of his family is certain. He was given two days time to make the arrangement. Kayum Shaikh is a criminal. He was sentenced to

10 years imprisonment by the Sessions Court. The said person and his associates are dangerous. They can take life of the complainant and his family.

4. The applicant preferred an application for anticipatory bail before the Sessions Court. The said application was rejected by order dated 18th June, 2021. While rejecting the said application, it was observed that there are serious allegations against the applicant regarding demand of Rs.5 Crores and threat to eliminate his family. The gravity of the offence is serious. Investigation is in progress. Custody of the applicant is necessary for interrogation. The applicant is having criminal history. He is convicted in 1993 bomb blast case and undergone imprisonment for 10 years. Considering the nature of allegations and criminal antecedents he is not entitled for grant of bail.

5. Learned advocate for the applicant submitted that the allegations in complaint are false. The complainant had earlier lodged complaint dated 30th March, 2021 on similar facts. The said complaint was filed after delay of more than one month from alleged incident. Police did not take cognizance of the complaint. Thereafter, he filed private complaint before this Court. The brother of the applicant is engaged in real estate business. The brother of applicant had entered into in Memorandum of Understanding dated

26th November, 2020 with Parvati Keni. Power of Attorney was executed in favour of the applicant's brother. The owners of property had entered into development agreement with another builder which was revoked by them. The complainant had taken the said property for development through other builder. Hence, there are disputes between the complainant and applicant's brother. The complainant had intimated the applicant's brother to visit his office along with advocate for discussing the issues and amicable settlement. It was agreed to hold meeting in the office of complainant on 26th February, 2021. The applicant's brother had informed the complainant that he was unable to attend the said meeting due to ill health, and therefore, applicant would attend the said meeting. The applicant had visited office with co-owners and advocates. The photographs and C.C.T.V. footage of complainants office shows that they had visited office for discussion along with advocates. Hence, the allegations of extortion are false. Merely on the ground that he was convicted for the offence, he cannot be subjected to custody.

6. Learned APP and learned advocate for the complainant submitted that the offence is of serious nature. The complainant was threatened by the accused. The Slum Rehabilitation Authority vide letter dated 22nd June, 2016 has intimated to M/s. Dimple Realtors Pvt. Ltd. and the Architect and the authority had issued the letter to

intent on certain conditions. M/s. Dimple Realtors Pvt. Ltd. is the company of the complainant. The accused had threatened the complainant of dire consequences. Huge amount is demanded.

7. I have perused the complaint and FIR. The allegations are of serious nature. Specific overt act has been attributed to the applicant. Threats were issued to the complainant. Huge amount is demanded. It is apparent that the complainant is concerned with Dimple Realtors to whom letter of intent was issued for development of S.R.A. project. No case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No.1477 of 2021 is rejected and disposed of accordingly;

(PRAKASH D. NAIK, J.)