

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1631 OF 2021**

Subhash Gangaram Ghule .. Applicant
Versus
State of Maharashtra .. Respondent

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Mr.Pranav H. Bhoite for the Applicant.
Smt.A.A.Takalkar, APP for the State.

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**CORAM: BHARATI DANGRE, J.
DATED : 15th JULY, 2021**

P.C:-

1. C.R.No.272 of 2021 came to be registered with Otur Police Station on 7th June, 2021, on a complaint filed by one Narendra @ Sachin Batwal. He allege that he received a call on his mobile from another mobile and the person talking at the other hand informed him that he has received the instructions from the contract killer to eliminate him. The person at the other hand inquired whether he has animosity with any one and on reply by the complainant in the negative, it was told to him that he will be able to settle the matter. The allegation is that the complainant was asked to meet the person making the phone call and when he personally met him, it was revealed that he was the applicant, owner of M.K.N.News Channel, resident of Otur. The complaint is lodged to the effect that the applicant and one unknown person accompanying him,

demanded an amount of Rs.5,00,000/- by negotiating it from Rs.10,00,000/- so that he can be spared and since he was a family man, to avoid threat to his life, he should pay an amount of Rs.5,00,000/-. The phone call was repeated on 29/5/2021, but the complainant expressed reluctance to pay the amount. On 31/5/2021, again he received a call urging that atleast some amount should be arranged. Upon that, the complainant assured that he will arrange some amount within a period of four days. After the said incident, the complaint is lodged by the complainant on 7/6/2021 narrating the said incident, pursuant to which an offence under Section 387 read with Section 34 of the IPC has been registered against the applicant and one unknown person.

3. Perusal of the complaint and the allegations would reveal that there is a delay in filing the complaint and there is no justifiable reason offered by the complainant as to why he did not report to the police station immediately and take period of one week to approach the police station.

4. Learned APP states that the conversation is recorded by the complainant in his mobile phone and the same has been collected as evidence. The custody of the applicant is required for the purpose of obtaining the voice sample in order to ascertain the truthfulness in the narration of the complaint.

Learned counsel for the applicant states that the applicant will co-operate with the investigation by reporting to the Investigating Officer. Taking into consideration the fact that the complainant did not part with any money and there was

delay in lodging the FIR, the applicant is entitled for protection by the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in C.R.No.272 of 2021 registered with Otur Police Station, applicant-Subhash Gangaram Ghule shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station on every Monday and Friday between 10.00 a.m. and 1.00 p.m. for a period of four weeks and thereafter as and when directed.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

[SMT. BHARATI DANGRE, J]