

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1115 OF 2020

Pratik Mahendra Mungekar	Applicant
versus	
The State of Maharashtra	Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.986 OF 2020
AND
INTERIM APPLICATION NO. 122 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.986 OF 2020

Prathamesh Umesh Mohite	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Raja Thakare with Mr.Ashok Kavade, Siddharth Jayushte for applicant in ABA No.1115 of 2020.
Mr.Niranjan Mundargi i/by Mr.Harshad Sathe and Saurabh Butala for applicant in ABA No.986.2020.
None present for intervenor in Interim Application.
Ms.Anamika Malhotra, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th March 2021

PC :

1. The applications for anticipatory bail are preferred in connection with CR No.I-64 of 2020 registered with Kopri Police Station, Thane for offences under Sections 384, 385, 386, 387 and 506 r/w 34 of Indian Penal Code, and Sections 3 and 25 of Arms Act.

2. The FIR was registered on 25th October 2020. The complainant has alleged that the applicant in ABA No.986 of 2020

had invested amount of Rs.92 lakh with the complainant. Commission as well as profits were returned to said applicant. However, due to spread of Covid-19, the complainant sustained heavy losses in the business. On 27th May 2020 there was a quarrel between applicant in ABA No.986 of 2020 and the complainant. On 23rd October 2020 four unknown persons came at the office of complainant and introduced themselves as Kishor Adhav, Harindra Kolamkar, Suraj Kalav and Pratik Mungekar and told that they are sent by the applicant Prathamesh Mohite and he should return the amount to him. They also threatened that the complainant should part with an amount of Rs.50 lakh or he will have to face dire consequences. One of the accused pointed out revolver at the complainant and issued threats. They recovered an amount of Rs.5 lakh.

3. The contention of the applicant Prathamesh Mohite is that the complainant has not disputed the fact that he has received an amount of Rs.92 lakh from the applicant. Reliance is placed on conversation between the said applicant and the complainant. It is alleged that the applicant as well as other aggrieved persons were to receive the amount from complainant. It is further submitted that the applicant is not involved in the alleged act of extortion.

4. Learned APP submits that complicity of the applicant is disclosed during investigation. The FIR mentions the name of applicant. Four accused were arrested. The accused who visited the office of the complainant were sent by the applicant Prathamesh Mohite.

5. On perusal of the complaint as well as statement of the witness, it is apparent that accused had allegedly approached the complainant and told him to return the amount belonging to the Prathamesh Mohite. The statement further mentions that accused questioned complainant as to how he is conducting business without their permission and they demanded the amount of Rs.50 lakh from the complainant. Apparently, demand of Rs.50 lakh is creation of accused who visited complainant. Applicant Prathamesh Mohite was granted interim relief with direction to report Investigating Officer.

6. As far as applicant in ABA No.1115 of 2020 is concerned the FIR clearly states that even after collection of amount of Rs.5 lakh from the parents of applicant, the said applicant and other applicants made the complainant to sit in vehicle. The amount was handed over to Kishor Adhav. The complainant was taken to several places. He was threatened. That amount of Rs.2 lakh was to be given to Kishorbhai. The complainant agreed to pay Rs.2 lakh. Contention of learned counsel for applicant, however, is that there is nothing to indicate that applicant has accompanied the complainant and the co-accused in the car pursuant to recovery of Rs.5 lakh. It is further submitted that other accused Kolamkar and Kalav were arrested and granted bail. He relied upon orders passed by the Court granting bail. It is submitted that the applicant Pratik Mungekar need not be subjected to custodial interrogation. There are several cases against complainant. The order passed by Court granting bail to arrested accused, indicate that he is not available and not co-operating with investigation.

7. From the tenor of FIR it is apparent that applicant Pratik Mungekar has shown his association with Kishorbhai who is having

criminal antecedents. On reading the FIR it is difficult to accept that he did not join the co-accused after making complainant to sit in the vehicle and threats of extortion were given. Hence no case for granting relief to applicant Pratik Mungekar is made out. In the light of observations made hereinabove, applicant Prathamesh Mohite can be granted relief. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application No.986 of 2020 preferred by Prathamesh Mohite is allowed and disposed of;
- (ii) Anticipatory Bail Application No.1115 of 2020 preferred by Pratik Mungekar is rejected and disposed of;
- (iii) Interim relief granted to applicant Prathamesh Mohite vide order dated 19th January 2021 is confirmed;
- (iv) In the event of arrest of applicant Prathamesh Mohite in connection with CR No.I-64 of 2020 registered with Kopri Police Station, Thane, the he be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

8. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

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