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

**ANTICIPATORY BAIL APPLICATION NO. 2521 OF 2019
WITH
INTERIM APPLICATION NO. 1510 OF 2019**

Jaiprakash Shivkumar Singh

.... Applicant

Vs.

The State of Maharashtra

..... Respondent

Mr.Karl Rustam Khan, for the Applicant.

Smt.P.N. Dabholkar, APP for the State.

Mr.Rajesh Shinde, Pl, Vakola Police Station present.

Mr.S.V. Marwadi i/b Mr.N.M. Nadar, for Applicant in IA/1510/2019.

CORAM : M. S.KARNIK, J.

DATE : 07th AUGUST, 2021

P.C. :

. Heard learned Counsel for the Applicant. This is an application for pre-arrest bail in respect of the offences registered vide C.R. No. 519 of 2019 under sections 452, 323, 504, 506 (II) read with 34 of Indian Penal Code against the Applicant and 3 other persons with Vakola Police Station. The complainant is one Mr.Ketan Madhusudan Shroff. From the complaint it is seen that in the month of June 2018, the complainant had obtained a sum

of Rs. One crore eleven lakhs as a loan for business purpose. The complainant had returned a sum of Rs. 53 lakhs to Mr.Kirit Thakkar. An amount of Rs. 58 lakhs remained to be paid. It is alleged that time and again Kirit Thakkar was demanding return of balance money. The Applicant and 3 others went to shop of the complainant on 04/11/2019 and asked the complainant to pay the money. On refusal, Applicant and 3 other unknown persons abused the complainant. It is alleged that the Applicant assaulted the complainant with some object near his left ear neck, chest and on his head. The other two unknown persons gave fist blows to the complainant. One of them had knife and he threatened the complainant to remain silent by placing it near the complainant's stomach. They enquired with the complainant as to when the monies would be returned. A telephonic call was made to Kirit on the mobile phone of the applicant, when Kirit called upon the complainant to return the money, else the complainant would have to face dire consequences. There after the Applicant and unknown persons left the shop of the complainant.

2. This Court by order dated 20/11/2019 observed that the complaint prima facie disclosed financial / commercial transactions between the complainant on one hand and applicant

and Kirit Thakkar on the other. At knife point, the complainant was threatened to return the money, allegedly borrowed by him from Kirit Thakkar. An unknown person had a knife with him.

3. I have also heard Mr. Marwadi, learned Counsel appearing for the complainant. He submits that the offence is serious and that the Applicant along with unknown persons had gone to recover the money from the complainant. He submits that knife which was used by the unknown person is yet to be recovered and this is not a fit case for grant of pre-arrest bail considering the seriousness of the allegations.

4. The Applicant was released on pre-arrest bail by interim order passed by this Court on 20/11/2019 . I have also gone through the medical certificate which reveals that injuries of the person of the complainant are simple in nature. The Investigating Officer is present and submits that investigation is almost complete and charge-sheet will soon be filed. Considering the role attributed to the Applicant and in the facts of the present case, as the Applicant was already protected since 20/11/2019, the present Application deserves to be allowed. The applicant has remained present for interrogation

and co-operated with the investigation.

Hence the following order.

ORDER

(i) The Application is allowed.

(ii) In the event of arrest of the Applicant, he shall be released on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(iii) The Applicant shall report to the Investigating Officer as and when called for.

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) It is pointed out that the Applicant has furnished the residential address and mobile phone contact numbers in terms of the interim order dated 20/11/2019, however, if there is any change in mobile number or residential address, the same shall be immediately intimated to the Investigating Officer.

5. Anticipatory Bail Application is disposed of.
6. In view of disposal of the Anticipatory Bail Application, interim application does not survive and the same also stands disposed of.

(M.S.KARNIK, J.)