

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 3 OF 2020

Tejas Gudaraniya	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Shri. Vaibhav G. Bagade , Advocate for the Applicant
Mr. H.S.Venegavkar, Special P.P., Mr. Arfan Sait, APP for the
Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	22nd FEBRUARY, 2022.

PER COURT:

1. The applicant is seeking pre-arrest bail in C.R. No.43 of 2019 registered with Coastal Police Station, Kadaiya Nani Daman, District : Daman on 26th October, 2019 for offence punishable under Section 384 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the complainant was involved in illicit trafficking in the past. Subsequently he reformed himself and was driving auto rickshaw. The accused issued threats to him that he would be defamed in media. On 26th September, 2019, the accused gave a call to the complainant and demanded Rs.30,000/-. The complainant parted an amount of Rs.17,000/-. On 28th May,

2019, the complainant had transferred the amount of Rs.73,000/- from his bank to accused.

3. The applicant had preferred an application for anticipatory bail before the Court of Sessions at Daman. Interim relief was granted to him by order dated 5th December, 2019. Subsequently, the application was rejected by order dated 17th December, 2019.

4. This application was heard by this Court on 3rd January, 2020 and interim protection was granted with direction to attend Investigating Officer on 9th, 10th and 13th January, 2020.

5. Learned Advocate for the applicant submitted that the applicant is journalist by profession. He has reported criminal activities of several persons. He has been falsely implicated in this case. He was assaulted in the past. News reports were published on 22nd September, 2019 and 25th September, 2019 against the police officials for not initiating action in respect to illicit trafficking in human being. The applicant filed complaints. Complaint is registered after one month from the date of alleged threats. There was transactions between the applicant and the complainant in respect to property. The amount was transferred in respect to

the said transaction which is evident from the bank statement. The conversation between the applicant and the complainant fortified the said fact. Notice was issued on behalf of the Police Officer through Advocate to the applicant on 26th October, 2019 for publishing article against the Police. The applicant has complied the directions of attending Police Station. Custodial interrogation of the applicant is not necessary.

6. Learned Advocate for the respondent submitted that the FIR makes out an offence under Section 384 of IPC. The applicant had issued threats to complainant and demanded money. The act amounts to offence of extortion. The respondents filed affidavit-in-reply opposing the relief prayed in this application. It is submitted that this is a case of Yellow Journalism and the custodial interrogation of the applicant is necessary. The amount was transferred by complainant to the bank account of the applicant due to threats issued by him. In the reply it is stated that, during the course of investigation anonymous sources have given information to investigating agency that the applicant tried to extort money from business concerns by issuing threats of defamation by publishing articles in newspapers. However,

out of fear none of them had come forward to lodge the complaints. Hence, application may be rejected.

7. The First Information Report (for short 'FIR') was registered on 26th October, 2019. The case of the complainant is that, threatening call was received by him from the applicant on 26th September, 2019 demanding money. Thus, FIR is lodged after one month from the date of alleged threat. The complainant had parted amount of Rs.17,000/-. The amount of Rs.73,000/- was transferred by complainant to the account of the applicant on 28th May, 2019 which is apparently prior to the alleged threat. According to applicant there was property transaction for transferring amount of Rs.73,000/- which is evident from conversation ensued between them, the transcript of which has been annexed to this application. The applicant has also filed complaint on 21st December, 2019. The applicant was granted interim relief on 3rd January, 2020 with direction to report the concern police station. The applicant has complied the said direction. In the reply filed by the prosecution it is stated that the anonymous sources have disclosed that the applicant had issued similar threats to others. Undisputedly, such complaints are not forwarded to the Police. Taking into consideration these

circumstances, custodial interrogation of the applicant is not necessary.

8. Hence, I pass the following order:

ORDER

i. Anticipatory Bail Application No. 3 of 2020 is allowed;

ii. In the event of arrest of the applicant in connection with C.R. No. 43 of 2019 registered with Coastal Police Station Kadaiya, Nani Daman, the applicant be released on bail 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 attend the investigating officer as and when called for;

iv. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)