

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

ANTICIPATORY BAIL APPLICATION NO.118 OF 2022

Naufil Ejaz Rohe Applicant
Versus
The State of Maharashtra Respondent

Dr. Uday Warunjikar, Advocate a/w. Sana Raees Khan and
Angela Singha, i/b. Hulyalkar & Associates for the Applicant.
Mr. P.H. Gaikwad, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.791/2021 registered at Amboli Police Station, Mumbai on 24.2.2021 under Sections 306, 170, 420, 384, 388, 389, 506, 120-B read with 34 of the Indian Penal Code.

2. Heard Dr. Uday Warunjikar, learned counsel for the applicant and Shri P.H. Gaikwad, learned APP for the State.

3. The FIR is lodged by API Ramchandra Bandekar

on 24.12.2021. He has stated that on 23.12.2021, an ADR No.57/2021 under Section 174 of Cr.PC. was registered at Amboli police station in respect of death of one Salma @ Sanjana @ Zara Khatun. She had committed suicide after informing her friend Danish Shaikh. The police went to the spot with another friend Vignesh Batule. The door of the flat was broken. The police entered the flat. They saw the deceased had hanged herself and had committed suicide. The enquiry was carried out and Vignesh gave details of the offence. He told the police that on 20.12.2021, the deceased, her friend Tanvi, Aish and Asir Kazi had gone to hotel Grand Hyatt, Kalina, Mumbai. At that time, one Suraj Pardeshi and one unknown person entered the hotel room and represented falsely that they were the NCB officers. They asked for substantial amount for not taking action against the persons present there. The FIR mentions that Asir Kazi and the present applicant agreed to pay Rs.20 Lakhs to those fake officers. It was projected that more than Rs.8 Lakhs were actually paid by the applicant and for remaining Rs.12 Lakhs

Asir Kazi had demanded Rs.3 to 4 Lakhs from the deceased and she was threatened that if the money was not paid she would be involved in an NCB case. The deceased was under pressure and therefore she committed suicide.

4. Learned counsel for the applicant submitted that the room in question was actually booked in the name of the present applicant. He was told that he was to act as a pancha and, therefore, he had gone there. He had not paid any money nor he had promised to make the payment of the money to the fake officers.

5. Dr. Warunjikar submitted that it cannot be a case under Section 306 of IPC because the incident in hotel was dated 20.12.2021 and the deceased had committed suicide on 23.12.2021. There is a difference of three days and, therefore, there is no connection between the incidents on these two dates.

6. Learned APP opposed this application and produced the relevant investigation papers before me. He relied on the statements of friends of the deceased recorded

during the investigation.

7. I have considered these submissions. The investigation papers include the statements of two of the friends of the deceased. Their statements are important. The statements mention that at the time of the fake raid, the NCB officers had entered the room. Asir was taken outside the room. Those fake officers had demanded Rs.30 Lakhs. Asir had consumed some drugs. He called the present applicant. He came there. He told the fake NCB officers that Rs.10 Lakhs were transferred through *hawala*. The applicant took the mobile phone of the deceased and told everybody that the raid was arranged by the deceased herself. The applicant represented to the deceased and others that he had actually paid Rs.8 Lakhs and the remaining Rs.12 Lakhs should be paid. At that time, Asir Kazi told everybody that the raid was carried out because of the deceased and, therefore, Rs.12 Lakhs will have to be paid by the deceased. Their statements go on to mention as to how the deceased was pressurized by Asir Kazi and as to how he was demanding money from her

which ultimately led to her committing suicide.

8. There is also transcript of the conversation between Asir Kazi and one of the friends of the deceased. In the said transcript also, there are indications that Asir was aware that the NCB raid was fake.

9. From the material which is collected during investigation and also from the arguments advanced on behalf of the applicant, it emerges that the applicant had booked a room. Asir Kazi was aware of the entire plan. In fact according to learned APP, Asir and the applicant were the master-minds behind the plan. The applicant had actively assisted him in making a show of paying to fake NCB officers. The applicant falsely told others that big amount was transferred through *hawala*. Thus, it is more than clear that it was a pre-planned conspiracy in which the money was tried to be extracted from the deceased and her friends by keeping them under fear.

10. According to learned APP, along with Asir Kazi, the applicant is also a master-mind because the room was booked

in his name and he had played active role in making a show of transferring the amount through *hawala* to those fake NCB officers.

11. The offence is very serious. The plan hatched was serious. No sympathy can be shown to the applicant at this stage and in fact looking at the nature of evidence against the present applicant, his custodial interrogation is definitely necessary. There is direct connection between the incident dated 20.12.2021 and the suicide committed by the deceased on 23.12.2021. No case for grant of anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)

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PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.01.21
16:04:38 +0530

Deshmane (PS)