IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 157 OF 2022

Vikas Rooplal Bhalla ..Applicant
V/s.
The State of Maharashtra ..Respondent

Mr. Seoul Shah for the Applicant.
Mr. R.M. Pethe, APP for the Respondent/State.
Mr. Satyavrat Joshi for the complainant.

CORAM : C.V. BHADANG, J.

DATE : 31 JANUARY 2022
(Through Video Conferencing)

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No.118 of 2021 registered with Vishrambaug Police Station, Dist. Pune under Section 385, 387, 506 read with Section 34 of I.P.C. is seeking pre-arrest bail.

2. There are in all 5 accused in the said offence, which is registered at the instance of Saurabh Gadgil of P.N. Gadgil Group. The Applicant is shown to be accused No.3. The allegation is that the accused have hatched a conspiracy to extort an amount of Rs.50 lakhs from the first informant by pretending

that there is a file pertaining to the business of the first informant pending with the Income Tax department. More specifically, it was represented that the file pertains to a loan of Rs.68 crores obtained by the first informant from DHAL (Malmani Group).

3. A perusal of the FIR shows that on 15.09.2021 at about 10.30 a.m., it was the Applicant who had made a call to the first informant from his mobile stating that one of his acquaintance who is working in the Income Tax department is transferred to Pune and he can settle the issue relating to the Income Tax case.

4. Prima facie, it appears that on 20.09.2021 at about 8.00 p.m., the Applicant again made a call to the first informant followed by a WhatsApp message at about 9.20 p.m. on 21.09.2021. Prima facie, the WhatsApp message pertains to some case allegedly pending with the Income Tax department pertaining to 68 crores loan from DHAL.

5. The learned counsel for the Applicant submitted that the principal accused is Rupesh Chaudhary, who had dispute with the first informant on account of the fact that the first informant had lodged a complaint against Rupesh Chaudhary. It is submitted that the Applicant is a friend of the first informant and as WhatsApp message was received by him, he only forwarded it to the first informant. In short, according to the learned counsel for the Applicant, the Applicant has no role and was not part of the

conspiracy to extort the amount of Rs.50 lakhs on the pretext that there is a Income Tax file pending which can be got settled. The learned counsel for the Applicant submits that the Applicant was not present in any of the meetings as stated in the FIR.

6. The learned counsel for the Applicant submitted that the mobile phone has already been seized by the police and therefore, further custodial interrogation would not be necessary.

7. The learned APP submitted that offence is of serious nature and on the pretext of the non existence case with the Income Tax Department, the amount of Rs.50 lakhs was sought to be extorted from the first informant and the detail investigation in the matter is necessary.

8. I have considered the submissions made. As noticed earlier, it appears that the first call in the entire incident was allegedly made by the Applicant on 15.09.2021 followed by another call on 20.09.2021 and WhatsApp message on 21.09.2021. Prima facie it cannot be accepted that the Applicant had no role in the conspiracy. There is no reason why the Applicant would forward the WhatsApp message to the first informant, if he was not concerned with the matter. The message specifically pertains to alleged loan of Rs.68 crores obtained by the firm of the informant from DHAL. It is necessary to note that direct evidence of

conspiracy is seldom available. The proper investigation of the matter is the paramount consideration at this stage.

9. The Criminal Application is rejected.

(C.V. BHADANG, J.)