

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

ANTICIPATORY BAIL APPLICATION NO.311 OF 2022

1. Abdul Noor Abdul Zaheer Shaikh,
2. Datta Uttam Mane, &
3. Siraj Ahemad Mohammad Idris Chaudhari. Applicant
Versus
The State of Maharashtra Respondent

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WITH
INTERIM APPLICATION NO.433 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.311 OF 2022

Mr. Tukaram S. Shendge, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the Respondent-State.
Mr. Raviraj Paramane, Advocate for the Intervener.

CORAM : SARANG V. KOTWAL, J.

DATE : 8th FEBRUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R.No.11/2022 dated 3.1.2022 registered at Nerul Police Station, Navi Mumbai under Section 384 read with 34 of the Indian Penal Code.

2. Heard Shri Tukaram Shendge, learned counsel for the applicant, Smt. A.A. Takalkar, learned APP for the State and Shri Raviraj Paramane, learned counsel for the Intervener.

3. The FIR is lodged by one Ashish Kale. He has stated that he is in the business of spa, by name, "Avenue Spa and Saloon" at Nerul, Navi Mumbai. There are five women employees and one male employee in his spa. On 20.8.2021, the applicants came to his shop and told him that his business was unauthorized and that the informant has resorted to forcing his employees into making the obscene gesture etc.. They threatened the informant that they would inform the police; and to prevent police action they demanded money. The FIR mentions that after this incident the police started raiding the informant's spa regularly. Thus, the informant lost his customers. On 18.9.2021, again all the applicants came to his shop and demanded money. The informant decided to buy peace and agreed to pay monthly amount to them. The FIR mentions that it was decided that the applicant Datta Mane would be paid Rs.2,000/- per month, the applicant Noor

Shaikh would be paid Rs.2,000/- per month and the applicant Siraj Chaudhari would be paid Rs.4,000/- per month. Accordingly, the money was paid between September, 2021 to November, 2021. In December, 2021, the applicants demanded raise in that extortion money. The harassment continued and finally the informant lodged his FIR.

4. Learned counsel for the applicants submitted that applicant No.1 had taken money to publish an advertisement in his newspaper. He has relied on some newspaper cutting to show the advertisement. He submitted that the applicant has also issued receipts to that effect. He further submitted that the other two applicants have not played any major roles and, therefore, anticipatory bail should be granted to all of them.

5. Learned APP opposed this application. She submitted that the investigation has revealed that the purported receipts are not genuine. At some place, it has the applicant No.1's signature and on one copy it is blank. She submitted that the investigation has revealed that the newspaper is not being published. More importantly she

submitted that there are statements of three other victims from whom these applicants have extorted monthly amount. She, thus, opposed this application.

6. I have considered these submissions. Apart from the informant, there are three other victims, namely, Chavare, Mukhiya and Dhumal. They have made similar allegations. Every time they were threatened with police action; and to prevent police action these three applicants used to take regular extortion money from them. Thus, the informant's case is supported by these three victims.

7. Apart from that, acceptance of money is already accepted, at least, by applicant No.1 for the advertisement. The informant and others have stated that some amount was transferred on mobile applications.

8. Thus, there is sufficient material against the applicants corroborating the allegations in the FIR. The matter requires investigation. The role of all the applicants is spelt out in the investigation. Therefore, custodial

interrogation of all the applicants is necessary. Their connection with the police will also have to be verified. For that purpose, their custody is necessary. No case for anticipatory bail is made out. The application is rejected. With disposal of this application, interim application also stands disposed of.

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(SARANG V. KOTWAL, J.)

Deshmane (PS)