

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

ANTICIPATORY BAIL APPLICATION NO. 388 OF 2022

Nilesh Shyam Nanche	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Prashant V. Malik for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.
Mr. Samir Shisode, for Intervenor.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22nd FEBRUARY 2022**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 7 of 2022 registered at Tilak Nagar Police Station, on 07/01/2022, under sections 115, 120-B and 506(2) of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Prashant Malik, learned counsel for the applicant, Smt. Takalkar, learned APP for the State and Shri. Samir Shisode, learned counsel for the Intervenor.

3. The First Information Report (for short 'F.I.R.') is lodged by one Chandrakant Handore. He was a Cabinet Minister of

Government of Maharashtra in the past. At the time of lodging of F.I.R. he was in charge of Mumbai Congress. He has stated in the F.I.R. that, on 28/12/2021, one Sandeep Gore sought his appointment through his P.A. Deepak Thorat. Appointment was given. Sandeep Gore met the informant at 1.30p.m. in his office. At that time, Deepak Thorat also accompanied the informant. Sandeep Gore told the informant that, in the last week of December he received a phone call from an unknown mobile number. The caller told him that his name was Nilesh i.e. the present applicant. He called Sandeep Gore for meeting him at Acharya Garden. Sandeep Gore went there. The applicant met him. Sandeep Gore was knowing the applicant as President of Chembur Congress slum cell and as a member of Mumbai Congress committee. The applicant offered him to pay Rs.3 crores in cash, two flats and Rs.25 lakhs in advance for purchasing weapons. The applicant wanted to hire Sandeep Gore to commit murder of the present informant. After the applicant gave this offer, the applicant made a phone call to some unknown person and spoke to him in front of Sandeep Gore. The applicant had told

to that unknown person that, he had got the right man to complete the task. The applicant further told Sandeep Gore that, he would take care of police action and that he would see to it that Sandeep Gore would be released within one year, if arrested. He only insisted that the informant should be murdered before the elections. The applicant asked Sandeep Gore to meet him within 4 to 5 days and told him to contact him on WhatsApp call. Sandeep Gore thought about it and then decided not to go ahead with the applicant's plan and instead met the informant and gave this information.

4. According to the first informant, on the same day i.e. on 28/12/2021, in the night, at about 10.30p.m. one Dhata Mishra came to his office. At that time also informant was with his P.A. Deepak Thorat. At that time, Dhata Mishra informed him that the applicant had told him that, he was going to kill the informant and that, he had already spoken to one dumper driver. The applicant told him that, his entire plan was ready and he had decided how to use the dumper to kill the informant. The applicant had further told Dhata Mishra that he had kept some boys to keep watch and

they used to give information to him. According to Dhata, the applicant was holding grudge against the informant because the informant had supported one Goel who was sharing office with the applicant at Chembur. Because of the informant's intervention, Goel had put a lock on that office and, therefore, the applicant was angry with him. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that, in the last week of December, the applicant was not in Mumbai and, therefore, the story is false. He is implicated falsely in the offence, because, as mentioned in the F.I.R. itself the informant and the applicant were not on good terms. He submitted that the story mentioned by two different persons i.e. Sandeep Gore and Dhata is not consistent.

6. Learned counsel for the intervenor opposed this application based on the F.I.R. itself.

7. Learned APP produced statements of Sandeep Gore and Dhata Mishra before me to oppose this application.

8. I have considered these submissions. Sandeep Gore's statement is more elaborate about the entire plan. He had narrated

that, on 28/12/2021 the applicant had met him and had offered him money and flats for committing murder of the informant. Sandeep Gore had initially agreed to do the job but on second thoughts he realized that he would be making a big mistake. In the meantime, the applicant tried to call him on number of occasions, but he did not respond and instead told the informant about the applicant's plan. Similar is the statement of Dhata Mishra. He has narrated about the incident between Goel and the applicant and about applicant telling him that he had hatched a complete plan of murdering the informant by using dumper. This witness also approached the informant and gave this information.

9. The allegations in the F.I.R. are very serious. There are two witnesses whom the applicant had directly spoken about his intention to commit murder of the informant. Sandeep Gore was offered this work of committing murder and was offered money for that. Thus, the investigating agency has definite material against the present applicant in the form of these two witnesses. The allegations are very serious. Therefore, applicant's custodial interrogation is necessary, not only to find details about this fact

but also to prevent commission of serious offence. In this view of the matter, no case for grant of anticipatory bail is made out.

10. The application is rejected.

(SARANG V. KOTWAL, J.)