Uday S. Jagtap

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

ANTICIPATORY BAIL APPLICATION NO. 591 OF 2022

Sudeshwar Kumar Giri @ S.K. Giri
S/o. Late Sitaram Giri, aged about 52 years,
Residing at H-161A Street No.11,
Palam Colony, Raj Nagar – 2, Bagdola,
South West Delhi – 110 007 .. Applicant

Vs.

The State of Maharashtra,
Through Inspector Incharge, Kolhapur
Police Statiion, (Hatkanagale Police Station)
to be served through Public Prosecutor,
High Court, Bombay .. Respondent

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Mr. Ashok M. Saraogi for the applicant
Mr. Amit Palkar, APP for respondent – State
Ms. Mrinal Shelar i/b Mr. S.S. Patwardhan for Orig. complainant

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CORAM : PRITHVIRAJ K. CHAVAN, J.

**RESERVED ON : 25th JULY, 2022.
PRONOUNCED ON : 27th JULY, 2022.**

P.C.

1. Apprehending his arrest in C.R. No. 334 of 2021 registered with the respondent – Hatkanagale Police Station, Dist. Kolhapur for the offences punishable under Sections 381, 384, 386, 387, 120B, 467, 468, 471 r/w 34 of the Indian Penal Code read with the provision of Section 67 of the Information Technology Act, 2005, the applicant has preferred an application seeking Anticipatory Bail.

2. A few facts essential for disposal of this application are summarized as follows.

3. One Sanjay D. Ghodawat - an Industrialist and businessman residing at village Majale, Tal. Hatkangale, Dist. Kolhapur, the first informant, lodged an FIR on 24th June, 2021 against the accused no.1 – V.P. Singh and accused no.2 – Ramesh Thakkar. His mobile No. is 9527087601. On 30th June, 2021 he received a Whatsapp message from Mobile No. 8889563855 allegedly belonging to accused no.1 – V. P. Singh, a resident of Delhi, who asked the first informant to discuss as regards his business with another accused Ramesh Thakkar a resident of Mumbai on his Mobile No. 9824025254.

4. The informant further alleges that accused no.1 – V.P. Singh had also forwarded a notorized document through Whatsapp. The first informant realized that it was a fabricated document, which does not bear his signature. The caller Mr. V.P. Singh personated himself as an Officer in the Ministry of Finance of the Central Government.

5. The informant asked his partner Mr. Nilesh Bagi to verify the facts from accused no.2 – Ramesh Thakkar. Nilesh Bagi, after meeting Naresh Thakkar, realized that the said fabricated notorized document bears signature and seal of Notary Public namely; Adv. M.K. Dongre. However, when he met Adv. M.K. Dongre, it revealed that the said document was not prepared and notarized before Adv. M.K. Dongre.

6. On 17th June, 2021, accused no.2 Ramesh Thakkar, who is a resident of Mumbai, made a phone call to Nilesh Bagi and threatened him of dire consequences by falsely implicating him in a case under the provisions of N.D.P.S. Act by stating that they are dealing in Narcotic Drugs. The informant alleges that the caller demanded a ransom of Rs.5 crores to settle the issues.

7. On 18th June, 2021, at around 01.51 p.m. the informant received a message on his mobile from Mobile No. 8889563855 stating that a raid was conducted at the place of Nilesh Bagi by the personnel of Directorate of Revenue Intelligence and, now, the said personnel will raid the premises of the first informant. The caller, *inter alia*, threatened the first informant that the Central Government would now dig out black money since the first informant had not paid the customs duty. The informant had again received a threat of extortion of Rs.5 crores.

8. Having registered an FIR with the Police Station as above, offences came to be registered pursuant to which accused no.2 – Ramesh Thakkar came to be arrested on 25th June, 2021. It is alleged that during his interrogation, he named accused nos. 4 to 6, who were also arrested on 1st July, 2021 and 3rd July, 2021 respectively.

9. After his first unsuccessful attempt to secure pre-arrest bail before the Sessions Court, applicant has approached this Court.

10. I heard Mr. Saraogi, learned Counsel for the applicant at length.

11. At the outset, Mr. Saraogi would argue that all the 7 accused who have been arrested by the Investigating Officer, have been released on bail. The applicant has been arraigned as accused no.3. According to the Counsel, the only role attributed to the present applicant is that he acted as a link between accused no.1 – V.P. Singh and accused no.2 – Ramesh Thakkar by allegedly stating that he was a partner in the crime along with the main accused. Admittedly, a charge-sheet has already been filed by the Investigating Agency. Mr. Saraogi would argue that the applicant has been co-operating with the Investigating Agency as and when summoned. He submits that the name of the applicant does not figure in the first information report. Since the charge-sheet has already been filed, the Investigating Officer, according to Mr. Saraogi, would not require the applicant to be interrogated in custody.

12. Mr. Palkar, learned APP, on the other hand, opposed release of the applicant in the event of his arrest by contending that in the additional statement of accused no.2 – Ramesh Thakkar, name of the applicant has been disclosed as a person who had introduced accused no.2 – Ramesh Thakkar with V.P. Singh and that they had conspired to extort an amount of Rs.5 crores from the informant by blackmailing him. Except this omnibus statement, that too, without any material indicating any connection between the present applicant and the accused – V.P. Singh and Ramesh Thakkar, there is nothing to suggest as

regards direct involvement of the present applicant in the crime or his role as a co-conspirator.

13. Since charge-sheet has already been filed and rest of the accused have already been released on bail, no fruitful purpose would be served in keeping a hanging sword on the head of the applicant, whose role, *prima facie*, appears to be only introducing the two accused as above. It is not the case of the prosecution that he has not co-operated with the Investigating Agency. Even though charge-sheet has already been filed, the Investigating Agency, if at all, finds it expedient to collect certain material supplementary to the material already tendered before the trial Court in the form of charge-sheet, may ask the applicant to co-operate, for which, a few conditions need to be imposed. In view of the observations made hereinabove, following order is expedient :-

(i) In the event of his arrest in C.R. No. 334 of 2021 registered with Hatkanagale Police Station, Dist. Kolhapur for the offences punishable under Sections 381, 384, 386, 387, 120(B), 467, 468, 471 r/w 34 of the Indian Penal Code read with the provisions of Section 67 of the Information Technology Act, 2005, the applicant be enlarged on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

(ii) The applicant shall assist in further investigation, if any, by remaining present as and when summoned by the Investigating Officer.

(iii) The applicant shall furnish his permanent residential address and mobile number to the Investigating Officer as well as to the trial Court.

(iv) Breach of any of the conditions imposed hereinabove would entitle the prosecution to seek cancellation of the bail.

14. Application stands disposed of in the above terms.

(PRITHVIRAJ K. CHAVAN, J.)