

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

ANTICIPATORY BAIL APPLICATION NO.619 OF 2022

Rajesh Kishor Barman

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Imran Shaikh with Urfi Ansari for the Applicant.

Ms Rutuja Ambekar, APP for Respondent-State.

Mr. Padavi, API, Sakinaka police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No. 82 of 2022 registered with the Sakinaka Police Station, Mumbai, for offences punishable under Sections 365, 395 and 504 of the IPC.

2. Heard Mr. Imran Shaikh, learned counsel for the Applicant and Ms Rutuja Ambekar, learned APP for Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged

by Mr. Amarjit Rajendra Verma. It is the case of the Complainant that he and other boys including the Applicant were playing PUBG online game. It is stated that the Applicant was impressed by his account and performance and was interested in purchasing his account id. The Complainant agreed to sell the account id for Rs.4,500/-. The Complainant has alleged that the Applicant called him at 7.30 p.m. stating that he was unable to open the account on the password that was shared with him. The Complainant was called by the Applicant at Hotel Gurudev and when the Complainant reached there, about 6 to 7 boys assaulted and abused him. Thereafter he was taken to Andheri and that they tried to withdraw money from the ATM center at Andheri. It is stated that the Applicant and others compelled him to transfer an amount of Rs.10,000/- and forcibly removed a gold ring from his finger. On the basis of the said allegations FIR came to be registered against the present Applicant.

4. The Applicant has placed on record a payment receipt, which reveals that the amount of Rs.4,500/- was transferred at 1.00 p.m. and not at 5.30 p.m. as alleged. The Applicant has also placed on record copy of email notification that some suspicious hackers had accessed his Facebook and Twitter account and that his primary email address has been changed. Learned APP states that CCTV footage is retrieved, but till

date no panchanama has been drawn and CCTV footage does not form part of the investigating papers. The narration in the complaint prima facie does not disclose the correct facts.

5. Considering the above facts and circumstances, in my considered view this is not a case which would warrant custodial interrogation. Moreover the Applicant has reported to the police station and he has been interrogated. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No. 82 of 2022 registered with the Sakinaka Police Station, Mumbai, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount ;
- (ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer;
- (iii) The Applicant shall keep the Investigating Officer

informed his current address and mobile contact number, and /or change of residence or mobile details, if any from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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