

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1153 OF 2022**

Nimesh Dilip Darekar .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Prashant Pandey with Darshit Jain, Harshita Shroff and Irfan Unwala i/b W3 Legal LLP for the applicant.
Ms. Veera Shinde, APP for the State.
PSI Vilas Kalekar from Samata Nagar police station.

**CORAM: BHARATI DANGRE, J.
DATED : 12th SEPTEMBER, 2022**

P.C:-

1. The applicant is charged for the offences punishable under sections 452, 387, 397, 323, 504, 506 (2) of IPC and section 3, 25 of the Arms Act. In connection with CR No. 614 of 2019 registered with Samta Nagar Police Station on 31/12/2019. He came to be arrested and since then he is incarcerated.

The case of the prosecution is, on 31/12/2019, the applicant along with his accomplice came to his shop/gala, from where he sell tomatoes, and allegedly demanded Rs. 5,000/- as extortion money. On the complainant pleading, that he do not have the money, he brandished a county made gun at him, and hurled abuses, and also assaulted him. It is alleged that he forcibly removed an amount of

Rs. 1500/- from the shop of the complainant and threatened him with dire consequences.

The aforesaid incident resulted in registration of CR. The statement of other vendors in the locality are also recorded during the course of investigation, and they corroborate the narration of the complainant, who state that the applicant had brandished a Katta and had prevented people from coming to his rescue.

2. On completion of investigation, the charge-sheet is filed, and it is stated that till date charge has not been framed.

The learned APP would oppose the application by bringing to my notice the antecedents of the applicant, which include 21 CRs registered against him from the year 2010.

When particularly asked whether the similar type of accusations of extortion are leveled against him, my attention is invited to CR No 63 of 2014 which invoke section 387 along with sections 327, 427 read with 34 of IPC. Perusal of the antecedents, would reveal that largely the offence against the present applicant are under the sections of Maharashtra Police Act. There are other CRs, registered a decade ago, which invoke certain bodily offences. Pertinent to note that all the CRs are registered at Samta Nagar Police Station.

3. It may be true that the applicant has criminal antecedents, but that might by itself will not be a ground not to release him on bail and secure him his liberty, as in the present CR, he primarily face accusations of extortion, but what has been extorted is a sum of Rs. 1500/-, which is a minuscule amount. Though the witnesses have stated that, he had created a reign of terror, and he use to extort money in the past, no such offence has been registered for this alleged conduct. The applicant deserve his release on bail, subject to strict condition of not entering into the jurisdiction of Samtanagar police station, and any attempt on his part to breach the aforesaid condition would entitle the prosecution to seek cancellation of bail on the very said ground.

4. Hence the following order:

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Nimesh Dilip Darekar shall be released on bail in connection with C.R.No.614 of 2019 registered with Samtanagar Police Station on furnishing P.R. Bond to the extent of Rs.30,000/- with one or more sureties in the like amount.
- (c) The applicant shall mark his attendance on first Monday of every month in Kurar Police station during the course of the day till framing of charge and shall thereafter diligently attend the trial.

(d) The applicant shall not step into the jurisdiction of Samtanagar Police Station till conclusion of the trial.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(SMT. BHARATI DANGRE, J.)