

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

ANTICIPATORY BAIL APPLICATION NO. 1126 OF 2022

Rajesh Ashok Mishra ..Applicant

v/s.

The State of Maharashtra & Anr.. ..Respondents

Mr. K.R.Tiwari, for the Applicant.
Mr. S.H.Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 29th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No.I-118 of 2022 registered with Mira Road Police Station for offences under Section 364A, 385, 324, 323, 506 r/w. 34 of Indian Penal Code.

2. Heard Mr. Tiwari, learned Counsel for the Applicant and Mr. Yadav, learned APP for the State. I have 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 Sanjaykumar Vijayshankar Dikshit, the employee of Nexus Health Care Company. The nature of the duties of the Complainant were to verify

the claim in respect of the health insurance policies and to submit report to Nexus Health Insurance Company. The Complainant claims that some months ago he had verified the claim of the father of Shimanchal Mishra, Rajesh Mishra, Rohit Mishra, and for some reasons the insurance claim was not approved. The Complainant further alleged that on 16.3.2022 at about 5.30 p.m. Shimanchal Mishra called him near a tea stall, at near R.B. K.School, Beverli Park, Mira Road, stating that he wants to talk to him regarding the insurance policy. When the Complainant reached near the stall, said Shimanchal Mishra, the Applicant and Rohit Mishra came by one Tata Nexus car. Rohit Mishra told him to get in the car under the pretext that he wanted to talk to him. The Complainant sat at the rear seat along with the Applicant and Shimanchal Mishra. When he asked them where he was being taken, the Applicant Rajesh Mishra gave a fist blow on his face alleging that he had not allowed the insurance claim to get approved. Co-accused Rohit Mishra locked the doors and they proceeded further without telling him about the destination. He claims that while he was in the car, the Applicant Rajesh Mishra and Shimanchal Mishra assaulted him by giving blows on his head and face. The accused questioned him for rejecting the insurance claim and told him to pay said money which they would have got through the insurance claim, else threatened to assault him. He has stated that co-accused Krishna got into the car near Seven Eleven Club. They continued threatening the Complainant. Rohit

Mishra took a video clip by compelling him to state that he had deliberately got their claim rejected, and despite taking money from them, he did not allow their claim to get fully approved. He has stated that Krishna who was sitting on the front seat also assaulted him on his face by means of wooden block. They kept demanding the money, which they were to get through insurance claim. Then they dropped the Complainant to Bhayander Railways Station and threatened to assault him in the event he failed to pay the money, and/or complained to the police. He has stated that he did not lodge the complaint immediately as he was scared that he would be assaulted.

4. It is to be noted that in the supplementary statement, the Complainant has given an entirely different version. He has stated that on 16.3.2022 while he and his friend Ajit Kumar Dubey were having tea at the tea stall, co-accused Rohit Mishra came with one unknown person and took him in one Tata Nexus car. He has stated that they threatened him for not allowing the claim to get approved. He has stated that the Applicant got into the car, near Seven Eleven Club and sat at the front seat and assaulted him with a wooden block.

5. The narrative in the supplementary statement is not consistent with the FIR. There is material discrepancy in the role attributed to the Applicant in the FIR vis-a-vis the supplementary statement. This would

justify grant of pre-arrest bail .

6. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.No.I-118 of 2022 registered with Mira Road Police Station, the Applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for two days on 2nd and 3rd May, 2022 from 11.00 a.m. to 2.00 p.m. and as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

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SALGAONKAR
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signed by
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(ANUJA PRABHUDESSAI, J.)