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

ANTICIPATORY BAIL APPLICATION NO. 1146 OF 2022

Manoj Kumar Singh

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Mahaling Pandarge a/w Mr. Rupesh Manchekar i/b. Maa
Law & Juris, Advocate, for the Applicant

Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : VINAY JOSHI, J.

DATE : 02.05.2022

P. C.

. The applicant is seeking for pre-arrest protection in connection with C. R. No. 13 of 2022 registered with the Nhava Sheva Police Station, Navi Mumbai for the offence punishable under Sections 143, 147, 148, 149, 323, 324, 342, 363, 427, 506 & 504 of the Indian Penal Code.

2. The bail is claimed on the ground of innocence, false implications etc. Besides that, it is submitted that the informant used to extort money from the applicant. In past, the applicant has filed several Ncs and notices to the

informant. The applicant has also filed a private complaint. Hence, out of grudge, a false report has been filed.

3. The State has opposed bail by contending that the informant has specifically stated the entire incident and FIR is lodged immediately. It is stated that there is supporting medical evidence to the contentions set out by the informant in the report. The offence is of serious nature.

4. It is the prosecution case that the informant was forcibly abducted, detained and beaten. The informant stated that the applicant, a builder has entered into Development Agreement with his father-in-law. Since there was no progress in the Development work, he went to the construction site and was taking photographs. At that time, one of the associate has informed the applicant, a builder, who in turn arrived on the spot with bodyguards and all of them beat the informant, forcibly stuffed him into the car and took to the builder's office. The applicant, builder allegedly beat the informant, forcibly took his mobile hand set and was freed.

5. It is the applicant's submission that in past, on 13.01.2021 and 16.04.2021, the applicant has filed two NC reports against the informant alleging threats. Likewise my attention is invited to the notice dated 06.02.2021 and 23.01.2021 issued by the applicant to the informant. Moreover, it is submitted that a private complaint was also filed by the applicant. On that basis, it is argued that due to vengeance, false report has been lodged.

6. It reveals that in private complaint, the learned Magistrate shown his reluctance to issue directions in terms of Section 156(3) of the Code of Criminal Procedure. The informant has stated in detail as to how the alleged occurrence took place on 31.01.2022 in the evening. He has also stated name of the applicant's associates, who have participated in the assault. Perusal of investigation paper indicates that within six hours from the occurrence, informant was examined by the Medical officer of Rural Hospital. The Injury Certificate indicates that there were 15-20 multiple contused injuries caused by hard and blunt

object. Prima facie, the informant's version is well supported by the Injury Certificate. The alleged offences are of serious nature. The police have also invoked the provisions of Section 364A of the Indian Penal Code which may attract life imprisonment. Having regard to all above facts, there is need of custodial interrogation.

7. After hearing both sides, this Court has expressed its non-inclination to grant bail. At said point of time, the applicant's learned counsel seeks time to file a copy of private complaint. The said urge was not made at the time of hearing but after above expression. Hence, it cannot be accepted. Having regard to above facts, no case is made out for grant of pre-arrest bail. The Application stands rejected.

(VINAY JOSHI, J.)