

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1323 OF 2022

Atirek Rajkumar Sharma .. Applicant
Versus
State of Maharashtra & Anr. .. Respondents

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Mr. Prashant Pandey with Ms. Hemangi Kuber for the applicant
Mrs. P.P. Shinde APP for the respondent State and
Mr. Kaushik Mhatre with Mr. Rupesh Lanjekar for respondent
no.2

CORAM: BHARATI DANGRE, J.
DATED : 26th MAY, 2022

P.C:-

1 The applicant is apprehending his arrest in CR. No.336 of 2022 registered with Goregaon Police Station at the instance of one Mr. Dushyant Mulchand Khona, a builder by profession. His complaint resulted in registration of offences punishable under section 329 and 344 of the IPC. Pursuant to the additional statement being recorded of the complainant, offences punishable under sections 387 and 394 of IPC came to be added to the crime in question.

2 Heard learned counsel Mr. Prashant Pandey for the applicant, Ms. Shinde for the State and Mr. Kaushik Mhatre for

the respondent no.2 i.e the complainant.

3 The complainant reported to the Police Station on 6-4-2022 stating that he is a Builder by profession and he was introduced to the applicant through a common friend in the year 2010. He was informed that the applicant is resident of Kanpur and is in film line and is a struggling actor. The informant helped Atirek financially as he was in dire need of money, and this gesture was repeated at times.

The complainant alleged that in the year 2017, he faced financial difficulty in his business, thereupon Atirek assured him that he will arrange for the necessary funds and since the informant was in time need of money, he decided to accept the amount. In the year 2018, the applicant secured an amount of Rs. 10,00,000/- for him on interest. Till the year 2019, he repaid sum of Rs. 40,00,000/-

4 The complainant alleged that the applicant Atirek use to harass him for money and threaten him with dire consequences by stating that he has good contacts in political circle. In August 2019, he was called by Atirek to his house in Juhu and was mercilessly beaten and he was confined in his house and warned that every month he should be paid a sum of Rs. 2,00,000/- and he will have to remained confined. On opposing him, it is alleged that the applicant assaulted him by a wooden stick and a whip. Since the informant was petrified, he did not dare to lodge any

complaint. He further alleged that the applicant Atirek was also accompanied by 8 to 10 bouncers, and whenever the informant used to be taken out or allowed to go out, the bouncers followed him. He was repeatedly assaulted by the whip when he failed to satisfy the demand of money. One such incident took place on 26-07-2021 when he was assaulted in his head for money and he sustained a bleeding injury. The informant was admitted in Kokilaben Hospital and what was told to the Doctor was not known to him, but no medico legal case was registered.

The complainant alleged that fearing his life, he had parted with a sum of Rs. 40,00,000/- and an amount of Rs. 20,00,000/- was demanded from his mother by putting her in fear of his life. Apart from this, it is also alleged that the property belonging to his mother in, Classic Plaza was also transferred in the name of his wife Disha for consideration of Rs. 50,00,000/-, but the complainant never received the consideration. He was also deprived of his valuables and by using his credit card, the applicant purchased valuable items.

5 Another supplementary statement of complainant came to be recorded on 7-4-2022 where he referred to an incident of extortion of sum of Rs. 60,00,000/- and purchase of certain other valuable articles by using his Credit Card.

Another Supplementary statement of the complainant was recorded on 20-4-2022, taking the allegations further where he

referred to an assault on one Rajiv Gandhi in presence of the complainant. In the supplementary statement, the complainant stated that he use to assault him and forward the picture of the injuries sustained by him to his mother so as to extort money. The complainant somehow escaped from the house of the applicant and reached the residence of his sister Roma.

6 During investigation, the statements of the neighbours came to be recorded in connection with the offence, who have stated that they use to overhear quarrels, cries, abuses from the house of Atirek i.e applicant and they noted that someone was being assaulted, but nobody dared to make a complaint to the society. On making inquiries with Atirek, he used to be abusive and avoided to give any answers. Statements of four such persons came to be recorded during investigation.

Statement of his sister Roma is also recorded on 23-4-2022 who has given a detail version of the suffering of the complainant, who was physically and financially abused by the present applicant. Another statement recorded on 18-4-2022, record that the complainant was confined by the applicant and he used to extort money from him, and for the same he made use of Bamboo, Iron Rod and Fist blows and injured the complainant on various occasions.

The said person also make reference to the manner in which the complainant was manhandled by the applicant. The statement

of a medical practitioner is recorded to the effect that the complainant was treated for an eye injury.

The learned APP has placed on record the medical papers when the complainant was admitted in Dhirubhai Ambani Hospital on 6-7-2021 with a head injury, the cause of which was projected to be a fall from the slab at home. However, the said certificate is relevant, since it is of the same date that the complainant has narrated, that he was assaulted by the applicant and admitted in Dhirubhai Hospital. The complainant has otherwise stated that what was the cause of the accident given by the applicant was not known to him. Certain Photographs of the injuries sustained by the complainant are also placed on record.

7 The learned counsel for the applicant would submit that the whole case of the complaint is concocted and is his imagination. He would refer to a complaint filed by the complainant's mother referring to his conduct and also rely upon a notice send by his own wife referring to his attitude and approach.

8 The counsel for the complainant/intervenor has placed on record, copy of an order passed in respect of the applicant on complaint filed by one Rajiv Gandhi whose assault has been witnessed by the informant.

The said order dated 13th May, 2022 passed by this Court make a reference to somehow similar accusations levelled against the applicant, where the complainant was threatened and made

part with a substantial amount. The informant therein was also assaulted and taken to Hospital on the condition that he will not disclose true facts to anybody and was coerced to inform his family members that he was out of station.

Considering the seriousness of the allegation and by making reference to the Pendrive containing the Video recorder which came to be seized by the police, the involvement of the applicant was prima facie noted and the order rejecting the application of the applicant also made reference to the allegations faced by him in CR No. 336 of 2022 i.e by the informant in the present case.

9 What is the actual nature of the relationship shared by the informant and complainant require a thorough investigation. The investigating machinery, however, has collected supporting medical documents when the complainant was taking treatment in the hospital, on being assaulted by the applicant, but the real cause was concealed. It appear that the applicant has adopted the same modus operandi in respect of one Mr. Gandhi, which involved extortion of huge amount and physical and verbal abuse for the said purpose.

The aforesaid allegations, therefore, require a custodial interrogation of the applicant and I find support in reaching the said conclusion in order passed in ABA No. 1310 of 2022 on 13 May, 2022.

The application is therefore not worth consideration and no

protection from arrest can be granted in favour of the applicant.
The Application is rejected.

(SMT. BHARATI DANGRE, J.)