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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1742 of 2022

Brijesh Vasudev Tiwari	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Rohan N. Hogle for the Applicant.
Smt. A.A. Takalkar, APP for the State.
Mr. Khochare, Ambernath Police Station present.

CORAM: BHARATI DANGRE, J.

DATED : 19th JULY, 2022

P.C:-

1. Heard the learned counsel for the applicant and the learned APP for the State. Perused the charge-sheet which invoke Sections 420, 384, 170, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The applicant came to be arrested on 07.08.2021 and the FIR came to be lodged by one Vishal Santosh Kasodhan. He alleged that when he was present in the shop, four accused-persons alongwith three ladies entered into the shop and demanded money and threatened him by stating that if they do not pay the money, the shop will be sealed. One person projected himself to be a Saptahik Police Officer and it is alleged that some huge amount was demanded, but ultimately the deal was settled

on Rs.45,500/-.

3. The investigation assigned different role to different accused-persons. As far as the present applicant is concerned, as per the statement of Ramdas Mohape, the shop-owner, who reported to the shop, on the phone call received by him from Santosh Kasodhan, the father of the complainant, he witnessed the entire scenario inside the shop. He refer to one Shraddha Tiwari, who introduced herself as from the branch of Jeevandhara Sangh (NGO) and she threatened, that she had instructions to seal the shop and give wide publicity to the media and then the police would seal the shop. One person introduced himself as Saptahik Police Officer who negotiated. When the complainant expressed his inability to pay the amount demanded, one person has alleged to have been said that let an amount of Rs.50,000/- be paid and thereafter the complainant and his father collected the money which was available and gave a sum of Rs.45,500/- to one person. It is alleged that thereafter they left the spot.

4. Accepting the version of the complainant and also of the witness, there is no test identification parade which would confirm the case of the prosecution that sum of Rs.45,500/- was received by the applicant, though the learned APP has vehemently submitted that this is the role attributed to him.

5. Co-accused Ajay Rokade and Shraddhad Tiwari are released on bail by recording that the applicant is in custody and the charge-sheet is already filed. Co-accused Govind Pandey has been

admitted to interim protection by order dated 22.03.2022 in ABA No.544 of 2022 in the wake of the material compiled in the charge-sheet. Since the co-accused have been released on bail and the investigation is complete, the applicant also deserves his release on bail. Hence, the following order.

ORDER

- (a) Application is allowed.
- (b) Applicant - Brijesh Vasudev Tiwari shall be released on bail in connection with C.R.No.476 of 2021 registered at Ambernath Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (d) The Applicant shall make himself available as and when required by the Investigating Officer.

(SMT. BHARATI DANGRE, J.)