

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

ANTICIPATORY BAIL APPLICATION NO. 2821 OF 2021

1. Omkar Shriram Bhagat
2. Shubham Shriram Bhagat Applicants

Versus

The State of Maharashtra Respondent

Mr. Niranjan Mundargi i/b. Harshad Sathe for Applicants.
Mr. P. H. Gaikwad, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 28th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.626 of 2021 registered at Manpada Police Station, Dist. Thane, under sections 392, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Niranjan Mundargi, learned counsel for the applicants and Shri. Gaikwad, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Dhiraj Patil. He was working with Tata Capital

Financial Services Ltd. as Collection Manager. He has stated that, on 28/10/2021, he was to collect a car from their company's customer. He had gone to Bhiwandi with other recovery agents namely Ravindra Mane and Gorakh Gurav. They went to Bhiwandi and told the customer to pay the payment of EMI by the end of day. Then all of them went to Taloja MIDC. Then they met another customer. He was also similarly told. Thereafter the informant called Vilas Patil. He was also a customer. The informant discussed the matter of payment with Vilas. At that time, Vilas told the informant that, he was at Karjat and that he would be late and at least till 5.00p.m. he might not reach. The informant and his colleagues reached Vilas Patil's house at around 4.45p.m. He was not at home. He informed through telephonic conversation that he would return by 7.00p.m. They went back to Bhiwandi, collected a car from their company's customer Tilak Hotchandani. At 8.45p.m. they reached Dombivli Katai naka and met Vilas. They were discussing about non payment of EMI by Vilas. At that time, both the applicants who were brothers in law of Vilas came there and started abusing the informant and others and started beating

them. They removed informant's mobile phone and again beat them. Vilas also joined in the assault. It is mentioned in the F.I.R. that the applicant Omkar threatened the informant and told him that the informant and his family members would be harassed and as protection, the informant would have to pay Rs.25000/- and if he approached the police station, he would be murdered. The applicant Omkar's friend Milind took the informant aside and told him that, instead of Rs.25000/- he could settle the matter for Rs.15000/-. Milind and one other accused took the informant to ICICI bank A.T.M. center at Palava. They travelled in the same car which was taken by the informant from his customer. The informant was made to withdraw Rs.14000/-. After that the informant and those two accused came back to Vilas's house. At that time, the applicant Omkar and Vilas forced the informant to give Rs.14000/- and Rs.1000/- which was with the informant, to co-accused Milind. Both of them were threatened. It was late in the night and, therefore, the informant went to the police station on the next day and lodged this F.I.R.

4. Shri. Mundargi, learned counsel for the applicants

submitted that the informant and others had gone to Vilas's house. They were abusing Vilas's wife who was the applicants' sister and therefore, the applicants reacted. All other allegations in the F.I.R. are false. He submitted that the money was not taken by either of the applicants and, therefore, they were not concerned with it. Based only on false allegations the applicants were implicated falsely.

5. Learned APP opposed this application. He produced investigation papers before me. The investigation papers contain a statement of co-accused Taresh Shetty who was arrested. He has stated in his statement that, on the say of applicant Omkar and accused Vilas, he had forced the bank employee to remove Rs.14000/- from the ICICI bank ATM. That amount of Rs.14000/- and Rs.1000/- which the informant was carrying was kept by this accused at some place and at his instance it was recovered. Admissibility of this statement will have to be tested during trial. But at this stage, there is some definite material corroborating the allegations in the F.I.R. Learned APP also pointed out the CDR report showing location of the present applicant at the spot of

incident. He emphasized that, both the applicants have one past offence registered against them vide C.R.No.138 of 2017 registered at Dombivli police station under sections, 302, 143, 147, 148, 149, 342 etc. of IPC and that was a serious offence. Therefore, anticipatory bail should not be granted to them.

6. I have considered these submissions. The F.I.R. has given specific role to both the applicants. The informant and his colleagues were beaten. There are statements of colleagues of the first informant namely Ravindra Mane and Gorakhnath Gurav who have corroborated the allegations in the F.I.R. The statement of co-accused Taresh Shetty also gives reference to the applicant Omkar's role and also supports the allegation that Rs.15000/- were forcibly removed from the informant. The applicants also have one serious antecedent against them. In this view of the matter, protection of anticipatory bail order cannot be granted in their favour. Their custodial interrogation is necessary. The offence is serious.

7. Therefore, the application is rejected.

8. At this stage, learned counsel for the applicants prays

for extension of interim protection which was granted by the earlier bench. Looking at the seriousness of the allegations, I am not inclined to extend the interim protection granted earlier. The request is rejected.

(SARANG V. KOTWAL, J.)