

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2979 OF 2022

Akhilesh N. Yadav

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Mr. Rahul Arote for the Applicant.

Ms M.M. Deshmukh, APP for the Respondent/State.

PSI Sanjay Reddy Crime Branch, New Mumbai present.

CORAM : N.R. BORKAR, J.
DATE : 28.11.2022.

P.C. :

1. This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.241 of 2022 registered at N.R.I. Sagari Police Station, New Mumbai for the offences punishable under Sections 384, 387 and 506(2) read with 34 of the Indian Penal Code (IPC) .
3. The allegations in the present crime are of extortion. According to the complainant, who is in the business of providing internet services, the present applicant and other co-accused demanded partnership in his business and threatened to kill him if their demand is not met.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State and perused the First Information Report (FIR).

5. The learned counsel for the applicant submits that the complainant was working with co-accused – Yash Gupta, Ankit Gupta and Rayon Agrawal, who are also in the business of providing internet services. It is submitted that the complainant was removed from service. It is submitted that due to business rivalry, the false complaint came to be lodged. The learned counsel for the applicant submits that there is a delay in lodging the complaint and explanation to that effect that he was scared to lodge the report cannot be accepted as according to the complainant himself twice he had lodged report on 12 August 2022 and 16 August 2022 in relation to the alleged threat and extortion, however, only non-cognizable offence under Section 507 of the IPC was registered on the basis of the said reports. It is submitted that considering the facts and circumstances, the applicant may be released on anticipatory bail.

6. On the other hand, the learned APP for the respondent/State submits that the co-accused Jitendra Deshmukh, who is involved in multiple crimes, was asking the complainant to make his mother 10% partner in his business. It is submitted that the present applicant, at the instance of co-accused Jitendra Deshmukh, had forwarded the papers of partnership to the complainant on his mobile. It is submitted that on 17 August 2022, the present applicant came to the office of complainant and threatened him for not executing partnership deed. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. There appears to be a business dispute between the complainant and co-accused Yash Gupta, Ankit Gupta and Rayon Agrawal. According to the complainant himself, the present applicant was helping the co-accused Yash Gutpa and Ankit Gupta in their business. The allegations of extortion are against co-accused Jitendra Deshmukh. According to the complainant, the said co-accused Jitendra Deshmukh was asking the complainant to make his mother 10% partner in his business. According to the complainant on 17 August 2022, the present applicant came to his office and threatened him for not executing partnership deed. However, report came to be lodged only on 27 September 2022, i.e., after more than one month. *Prima facie* the explanation given by the complainant for not lodging the report immediately as he was scared appears to be not genuine, as according to the complainant himself after receiving extortion phone calls from co-accused twice he had lodged the report against him on 12 August 2022 and 16 August 2022 and non-cognizable offence punishable under Section 507 of the IPC was registered. The applicant is not an accused in the crimes registered against the co-accused Jitendra Deshmukh. There are no other criminal antecedents. *Prima facie*, it appears that the applicant is involved in the present crime due to business rivalry of the complainant with Yash Gupta and Ankit Gupta. I am, therefore, inclined to release the applicant on anticipatory bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] In the event of arrest of applicant in C.R. No. 241 of 2022 registered at N.R.I. Sagari Police Station, Navi Mumbai for the offences punishable under Sections 384, 387 and 506(2) read with 34 of the IPC, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the office of Crime Branch, Navi Mumbai from 5 December 2022 to 8 December 2022 between 11:00 a.m. to 2:00 p.m. and thereafter as and when called and shall co-operate in the investigation.

[N.R.BORKAR, J.]