

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 24 OF 2022

Jitendra S/o Prabhakar Meshram

...Versus...

State of Maharashtra, Through the P.S.O., P.S. M.I.D.C., Butibori, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Y.B. Mandpe, Advocate for applicant
Ms T.H. Udeshi, A.P.P for non-applicant/State

CORAM : SURENDRA P. TAVADE, J.

DATE : 21/01/2022

This is an application for pre arrest bail in Crime no. 333/2021, registered with M.I.D.C., Butibori Police Station for the offences punishable under Section 384 and 385 of the Indian Penal Code. It is contended that the First Information Report was filed by Rudesh Gedam on 22/12/2021, wherein it is alleged that the applicant went to the office of Indigo Denim Private Limited on 11/11/2021. He met H.R. Manager Vivek Mungewar and threatened him that he would close the company and demanded Rs. 10,000/-. It is alleged that the applicant again went to the office of Indigo Denim Company and accepted Rs. 10,000/- on 25/11/2021. He also demanded 10 tones iron and threatened that if it is not delivered, he would get the news published in the newspaper and would defame the company. On the basis of the said allegation, the learned Counsel for the applicant submits that the alleged incidents had taken place on 11/11/2021 and 25/11/2021 but the First Information Report came to be lodged on 22/12/2021. There is delay in lodging First Information Report. It is contended that the applicant never demanded any

amount from the officials of Indigo Denim Private Limited. He is a press reporter. It is contended that the complainant was extorting labour and doing unfair labour practice. Therefore, the applicant had informed the Manager that he would expose him by publishing news in the daily newspaper. It is also contended that the applicant is falsely implicated. No incident as alleged had taken place at all. The applicant is peace loving citizen. He has roots in the Society. There is no possibility of his absconding. He is ready to co-operate in the investigation. It is also contended that offences alleged against the applicant are triable by Judicial Magistrate First Class, therefore he prays that he may be released on bail. Notice of this application was issued to prosecution.

2. The prosecution has filed reply wherein the brief facts of the First Information Report are narrated. It is contended that the applicant is having criminal record. He is facing six criminal cases of similar nature. It is contended that the applicant has already accepted Rs.10,000/-. It is contended that the applicant is a habitual person. The investigation is not complete. The amount is to be recovered. Hence, the custodial interrogation of the applicant is required. Hence, the application be rejected.

3. Heard the learned Counsel for the applicant and learned A.P.P on behalf of State.

4. Perused First Information Report. It appears that the applicant had been to the office of Indigo Denim Company and demanded money for not publishing the news item against the company. On this point, learned Counsel for the applicant submits that the company must be having C.C.T.V. footage that must be produced before the Police Officer, so that the presence of applicant

is established. On the basis of C.C.T.V. footage, the visit of applicant can be verified. It is part and parcel of the investigation. The Investigating Officer may collect the said footage as a proof to establish the presence of applicant on given dates.

5. On going through the First Information Report, it appears that the applicant had demanded money from Vivek Mungewar. It is also alleged that he had received the amount on 25/11/2021 at 12.45 p.m. It is further alleged that he also demanded 10 tones of iron from the H.R. Manager of the company. The said facts are required to be investigated. It appears from the reply of prosecution that the applicant is facing six cases for the offences punishable under Sections 384 and 385 of the Indian Penal Code. The said cases are pending before the Trial Court.

6. The learned Counsel for the applicant submits that the said cases are pending because the complainants are not attending the Court. Even if it is presumed to be true, it establishes that the applicant is facing trial for extorting money from the victim. Therefore, it can be said that the applicant is indulging in similar type of offences earlier. Therefore, I am not inclined to grant applicant relief of pre arrest bail. Hence, I pass the following order.

7. Application is rejected.

(SURENDRA P. TAVADE, J.)

Jayashree..