

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 12 OF 2023

Nandkumar Baban Babar ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Prashant Hagare for the Applicant.

Mr. S.S. Hulke, APP for the State.

API P.V. Waghmare, Baramati Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 5 JANUARY 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 625 of 2022 registered at Baramati City Police Station, for the offences punishable under Sections 386, 392 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The allegations are of extortion. Though the alleged incident took place on 25 November 2022, however, report came to be lodged only

on 12 December 2022 i.e. after 17 days. There is no explanation for the said delay. The learned Counsel for the applicant has pointed out the statement of complainant recorded on 24 November 2022 i.e. just one day before the alleged incident in question. It appears that the said statement was recorded pursuant to the complaint lodged by the complainant in relation to another incident dated 23 November 2022. In the said statement, the complainant has stated that he has settled the dispute with the present applicant and he has no grievance against him. In view of delay in lodging the report coupled with the statement of the complainant dated 24 November 2022. I am inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant - Nandkumar Baban Babar in Crime No. 625 of 2022 registered at Baramati City Police Station, for the offences punishable under Sections 386, 392 r/w. 34 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall attend the concerned police station from 16 to 18 January 2022 between 11.00 a.m. to 2.00 p.m. and thereafter, as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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