

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

**ANTICIPATORY BAIL APPLICATION NO.354 OF 2023
WITH
ANTICIPATORY BAIL APPLICATION NO.358 OF 2023**

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Abdul Hamid Sayed

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Ramanik P. Pawar for the Applicant.

Ms. A. A. Takalkar, APP for the State.

Nilama Jadhav, PI, Goregaon Police Station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 9, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. Anticipatory Bail Application No.354 of 2023 is an application for pre-arrest bail in respect of the offence punishable under Sections 364-A, 386, 170, 120-B read with Section 34 of the Indian Penal Code, 1860 and under Sections 3, 25 of Arms Act in connection with C.R. No.580 of 2022 dated 14/10/2022 registered with Vanrai Police Station, Goregaon.

3. Anticipatory Bail Application No.358 of 2023 is an application for pre-arrest bail in respect of the offence punishable under Sections 386, 170, 419, 465, 468, 471 120-B of the Indian Penal Code, 1860 in connection with C.R. No.925 of 2022 dated 30/09/2022 registered with Goregaon Police Station.

4. The applicant is the main accused. The applicant is accused in two different offences registered with the same police station. The trial Court decided the pre-arrest bail applications of the applicant by a common order. I therefore proceed to decide these applications by a common order.

5. Learned counsel for the applicant submitted that the co-accused have been released on regular bail and hence the custodial interrogation of the applicant is not required. It is further submitted that the only basis for showing his complicity in the offence is his presence in the Innova Car. It is submitted that the Innova Car in which the applicant was allegedly seen on the date of the incident i.e. 01/07/2022, was in fact purchased by the applicant only on 17/08/2022. It is further submitted that the applicant never

used the mobile phone which the prosecution alleges to have been used by the applicant to contact the co-accused at the time of incident. The applicant's name is not mentioned in the FIR.

6. I have perused the FIR. In Criminal Anticipatory Bail Application No.358 of 2023 pertaining to FIR No.925 of 2022, the FIR is lodged by one Mr. Rahul Shankar Gaikwad. The first informant was in need of a loan. One of his acquaintance introduced the informant to a person named Kaustubh who could help arrange the loan. Rs.5 lakhs was the commission demanded by Kaustubh. The first meeting was on 29/09/2022. On 30/09/2022 Kaustubh came to the office and confirmed that the commission of Rs.5 lakhs is available with the informant. Thereafter, Kaustubh called a person named Narendra Vhora who he introduced as the representative of the "Indus Tower Limited". Thereupon, one person named Vipul who had accompanied Kasutubh disclosed that he is a CBI officer and also showed the informant his identity card. Kaustubh was asked to pay the sum of Rs.5 lakhs to him if he wanted to avoid any

prosecution. The informant handed over Rs.5 lakhs to Kaustubh's acquaintance. The informant later realised that these persons had come in a private car and therefore suspected foul play. The informant along with his friend caught hold of these two persons and informed the police. One of the co-accused thus impersonated as a CBI officer and had almost succeeded in fleeing with the amount of Rs.5 lakhs along with the co-accused.

7. So far as the applicant is concerned, his involvement came to light during interrogation of the co-accused. According to learned APP he is the mastermind and was seen in one Innova Car which was close to the location and was in contact with the co-accused. The conspiracy is alleged to be hatched by him. It is alleged that this modus operandi was being adopted by the applicant alongwith the co-accused to extort money from other persons. Four accused were caught red-handed.

8. So far as Anticipatory Bail Application No.354 of 2023 is concerned, a similar modus operandi was adopted by the accused thereby forcibly taking away Rs.50 lakhs from the

informant at gun point. Even here, one of the co-accused had posed as a CBI officer. The accusations against the applicant are serious and need to be investigated. It is not possible for me to form an opinion that the custodial interrogation of the applicant is not required in the present case.

9. Anticipatory Bail Applications are rejected.

(M. S. KARNIK, J.)