

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

ANTICIPATORY BAIL APPLICATION NO. 432 OF 2023

1) Jaswinder Singh Silva
2) Shankar Prakash Gupta
3) Anish Wahid Khan

..Applicants

VS.

The State of Maharashtra

..Respondent

Adv. Nitin Sejpal a/w Ms. Akshata Desai a/w Sakshi Jha for
the Applicants.

Mr. S. H. Yadav, APP for the State.

API Dattatray Yadav, Kalwa Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 13, 2023

P.C. :

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

2. This is an application for pre-arrest bail by the
applicants in connection with First Information Report (FIR)
No. I-46 of 2023 dated 20/01/2023, registered with Kalwa
Police Station, under sections 323, 385, 392, 504, 506 and
34 of the Indian Penal Code, 1860 ("IPC" for short).

3. The FIR was lodged by the complainant Fulchand
Ramshakal Yadav. The FIR was registered at 17.40 hours on
20/01/2022. The incident is alleged to be taken place on

19/01/2022 at around 06.00 pm. The complainant was transporting steel rods in the truck. It is alleged that applicant no. 1 along with others threatened the complainant that a sum of Rs. 25,000/- per month should be paid to the applicants if they want to carry on the business of transporting the steel. It is further alleged that the applicants have in fact stolen Rs. 20,000/-, which was lying in the pocket of the complainant.

4. Prior in the point of time, at 12.29 hours, on the very same date i.e. on 20/01/2023, from the applicant's side, the FIR came to be registered by Shankar Prakash Gupta who is the applicant no. 2 in this application. It was alleged that the applicants are social workers who tried to inform the investigating authorities time and again that some persons were involved in dealing with stolen steel rods against whom they wanted an action to be taken. The complaint was made to the police at around 05.00 am. It is further mentioned that in the said FIR that 2 unknown persons and another person by the name Akram approached them and threatened them. Applicant no. 2 was assaulted on his head, hands and back. The applicants were threatened that

they should not be seen in the area. It is further alleged that the complainant and the owner of the vehicle indulged in dealing with stolen steel/iron rods.

5. I thus find that there are cross FIRs registered by the 2 groups where there are allegations and counter-allegations made against each other. From the applicants' side, it is alleged that the complainants are dealing with stolen steel for which various representations were made to the police. Considering the nature of the dispute and the accusations, in my opinion, the custodial interrogation of the applicants is not necessary. The applicants must cooperate with the investigation. Learned counsel for the applicant states that till the charge-sheet is filed, the applicants are willing to stay outside the jurisdiction of Kalwa and Mumbra police stations to avoid any unpleasant situation in future. The statement is accepted. Hence, the following order.

ORDER

(a) In the event of arrest, the applicants - Jaswinder Singh Silva, Shankar Prakash Gupta and Anish Wahid Khan in connection with FIR No. I-46 of 2023, registered with Kalwa Police Station, shall be released on bail, on their furnishing P.R. Bond of Rs.15,000/- each with one or more

sureties in the like amount;

(b) The applicants shall report to the Investigating Officer on 17/02/2023, 18/02/2023 and 19/02/2023 between 11.00 am and 02.00 pm and thereafter as and when called;

(c) Except for the purpose of reporting to the Investigating Officer, the applicants shall not enter the jurisdiction of Kalwa and Mumbra Police Station till further orders of the Trial Court post-filing of the charge-sheet;

(d) The applicants shall cooperate with the investigation;

(e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence.

6. The application is disposed of.

(M. S. KARNIK, J.)