



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1956 OF 2023**

Dipak Masaji Babar ... Applicant
versus
The State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1638 OF 2023

Pramod Kumar Singh ... Applicant
versus
The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.2183 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1638 OF 2023

Bansbahadur Munni Jaiswal ... Intervener
and
Pramod Kumar Singh ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Nilesh Wable with ms. Stefy Dias i/by Mr. Umesh R. Mankapure, for Applicant in ABA 1956 of 2023.

Mr. Anurag Ojha with Mr. Abhishek Mishra for Applicant in ABA 1638 of 2023.

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

Mr. Vilas Shelke, PI Charkop Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 30 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. These applications are preferred for pre-arrest bail in connection with

C.R.No.154 of 2023 registered with Charkop Police Station for the offences punishable under Sections 120B, 170, 388, 389, 406, 420, 500, 506 of the Indian Penal Code and Sections 66(a)(b) and 66(c) of the Information Technology Act, 2000.

3. On 3rd October 2023, a statement was made on behalf of the Applicant in ABA 1638 of 2023 that the first informant had allegedly committed forgery and an application under Section 340 of the Penal Code had been filed before the trial Court. None had appeared for the first informant. Hence, this Court was persuaded to post the matter today while making it clear that if none appears for the first informant on the adjourned date, the Court would proceed to hear the applications on merits.

4. The gravamen of indictment against the applicants is that the applicants had attempted to extort huge amount from the first informant. The applicants defamed the first informant on social media. The Applicant has also coerced the first informant to part with a sum of Rs.28,23,500/-.

5. The learned Counsel for the Applicant submitted that while obtaining an order under Section 156(3) of the Code of Criminal Procedure, the first informant had annexed false documents to show that amounts were credited to the account of the Applicant – Pramod Kumar Singh.

6. In view of the said statement, the Investigating Officer has filed an additional affidavit. With regard to the payment of the amount, the Investigating Officer states that the informant had transferred an amount of Rs.77,500/- in the

account of the Applicant – Pramod Kumar Singh and a sum of Rs.10,28,000/- in the account of Deepak Babar.

7. Prima facie, the statement which was annexed to the complaint before the learned Magistrate (page 219 of the additional compilation filed on behalf of the applicant – Pramod Kumar Singh) contains incorrect entries.

8. The allegations in the FIR indicate that the first informant had known the applicants since long. There were transactions between the parties. The first informant was made the President of Mumbai Region Manavadhikar Emergency Social Helplines. The FIR reads a litany of grievances from misappropriation of the funds of the trust, to defamation, to extortion of amount for recovering the pending bills of the first informant and by giving threats of implicating in false cases. The allegations are not such that custodial interrogation of the applicants is warranted to facilitate further investigation.

9. In the backdrop of the nature of the accusation, and the fact that the first informant allegedly annexed incorrect documents before the learned Magistrate, I am inclined to exercise the discretion in favour of the Applicants.

10. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants – Deepak Masaji Babar and Pramod Kumar Singh in connection with C.R.No.154 of 2023 registered with

Charkop Police Station, they be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report to Charkop Police Station on 7th, 8th and 9th November 2023 in between 10.00 a.m. to 1.00 p.m. and, thereafter, as and when directed by the Investigating Officer.

(iii) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(v) The Applications stand disposed.

(vi) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(vii) Interim Application No.2183 of 2023 also stands disposed.

(N.J.JAMADAR, J.)