

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

ANTICIPATORY BAIL APPLICATION NO. 1987 OF 2023

Mr. Qurban Mohammed Ansari	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Milan Desai i/b. Mr. T.R. Patel for the Applicant.
Ms. A.A. Takalkar, APP for the State.
Mr. Vattre Sandeep, PSI, Malvani Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th JULY, 2023.

P. C. :-

1. The Applicant apprehends his arrest in C.R.No.300/2022 registered with Malvani Police Station, Mumbai for offences punishable under sections 120-B, 327, 384, 385, 387, 504, 506(2) of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Zahid Abdul Wahid Khan. The facts narrated in the FIR prima facie reveal that the first informant who is a Contractor, had

undertaken construction work near Aakashwani, Marve Road, Mumbai. It is stated that on 30/03/2022, the Applicant along with co-accused Pawan Singh and Akhilesh Yadav demanded an amount of Rs.20,000/- from the first informant failing which they threatened to lodge complaint with BMC. The first informant was told that they have to be paid money before commencing any construction work. They further told him that they have got several constructions demolished on failure to pay extortion amount and threatened the first informant to pay protection money.

4. The first informant claims that on 02/04/2022, at about 07:45 p.m., when he was near Bhumimart Shopping and was proceeding to the shop along with his friend Amit Kamble, the Applicant and others once again abused and threatened him and demanded minimum amount of Rs.15,000/-. On 05/04/2022, the first informant received a phone call from the Applicant herein. The first informant claims that the Applicant abused and threatened to kill him if he fails to pay the extortion money. The Applicant once again phoned him and questioned him about the money. Due to the constant threats, the first informant claims that he borrowed money from his friend – Dinesh Malhotra. On 05/04/2022, at about 12:56 p.m., when the first

informant received a phone call from the Applicant, he told the Applicant that he has arranged the money. The first informant has stated that he along with his friend – Raju Bhaskar went to the place suggested by the Applicant and that they paid to him an amount of Rs.15,000/-. When he requested the Applicant and the co-accused to give him an assurance that they would not lodge a complaint, they caught hold of his collar and slapped him and threatened to cause his death.

5. The statement of Dinesh Malhotra prima facie reveals that the first informant had informed him that the Applicant and others were demanding extortion amount of Rs.15,000/- and that he was unable to arrange the same. This witness states that he had withdrawn an amount of Rs.15,000/- and handed over the same to the first informant to be paid to the Applicant. The statement of other witnesses also prima facie reveal that the Applicant had called the first informant near Bhumimart Shopping Center and that they had discussion with the first informant.

6. There is prima facie material to show the complicity of the Applicant in the aforestated crime. Considering the nature of the

offence, I am not inclined to exercise discretion under section 438 of Cr.P.C. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

**PREETI
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JAYANI**

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