

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

ANTICIPATORY BAIL APPLICATION NO. 2220 OF 2023

Riyaz Babu Abbas Ansari	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Ms. Nazneen Khatri for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. Laxman Shahapur for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 08th AUGUST, 2023.

P. C. :-

1. The Applicant apprehends his arrest in C.R.No.188/2023 registered at Ghatkopar Police Station, Mumbai for offences punishable under sections 384, 506(2) of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. 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 Imtiyaz Amin Bhokiya Ghachi. The facts narrated in the FIR prima facie reveal that the Applicant herein had demanded from the first informant an amount of Rs.4,00,000/- towards expenditure incurred by

him in defending the case lodged against him in the year 2019 and further for not lodging a complaint against him before BMC Officers in respect of his shop. The first informant claimed that because of fear and pressure, he had paid an amount of Rs.1,70,000/- to the Applicant. The Applicant was constantly demanding the balance amount and had threatened him that he would not allow him to do business in his shop. He told him to come with an amount of Rs.50,000/- in front of SBI Bank, Sanitorium Lane, Ghatkopar, Mumbai. The first informant informed the police about the demand made by the Applicant. Accordingly, the police secured presence of panchas. The police also informed the first informant to arrange the money. The first informant arranged for an amount of Rs.20,000/- being 40 notes in denomination of Rs.500/-. The police took photo copies of the said notes and thereafter the police, the first informant and the panchas proceeded near SBI Bank, Sanitorium Lane, Ghatkopar. It is stated that one disabled person came to the said place. The first informant identified the said person as Riyaz Abbas Ansari, the Applicant herein. The Applicant demanded sum of Rs.50,000/-. The first informant told him that he was unable to pay Rs.50,000/- and he could pay him Rs.20,000/-. As he handed over an an amount of Rs.20,000/- to the Applicant, the first informant made a signal to the police and panchas.

The police and panchas immediately came to the spot and caught the Applicant. They recovered from him an amount of Rs.20,000/-. The description of the said notes tallied with the photo copies of the notes. On the basis of the said information, the aforestated crime came to be registered.

4. The statement of the other shop owners also prima facie indicate that the Applicant herein has been constantly extorting money from the shop owners in the vicinity. The records prima facie reveal that the Applicant is involved in committing an offence of extortion.

5. Considering the above facts and circumstances and the fact that he has been also putting the other persons in fear, in my considered view, this is not a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is dismissed.

PREETI
HEERO
JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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