



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

ANTICIPATORY BAIL APPLICATION NO. 2388 OF 2023

Rajat Jaggi		...Applicant
	Versus	
State of Maharashtra		...Respondent

Mr. Ganesh Gole, i/b Faiz Jamaluddin Khan, for the
Applicant.

Smt. Ashwini Takalkar, APP for the State/Respondent.

Mr. Nikhir Gole, for Respondent No.2.

PI Jilani Sayyad, Waliv Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 7th OCTOBER, 2023

ORDER:-

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

2. This is an application for pre-arrest bail in connection with CR No.415 of 2023, registered with Waliv Police Station, Mira-Bhayander, Vasai-Virar, for the offences punishable under Sections 420, 467, 468, 471, 170, 506, 503 and 384 of Indian Penal Code, 1860 ("the Penal Code") and Sections 66-B and 66-D of the Information Technology Act, 2000.

3. The applicant had shares in CPS Oil and Gas Equipment Pvt. Ltd. Those shares were acquired by SAZ Oil

Field Equipment Inc. (SAZ). The first informant is the Managing Director of SAZ.

4. The first informant lodged a report with the allegations that during the period May, 2022 to 3rd May, 2023, the applicant had made an endeavour to extort money from the first informant's company by addressing false and fabricated e-mails, from fictitious e-mail IDs, purporting to indicate that complaints were lodged with ONGC and if the matter was not settled, the contracts awarded to the first informant's company would be cancelled and its business would come to a standstill. It was further alleged that the applicant had committed theft of the data of the first informant's company in connivance with Mr. Jitendra Dehuri, who was working as Plant Supervisor.

5. The learned Counsel for the applicant submitted that SAZ resorted to false prosecution with a design to obviate the liability to pay the price of the shares, which were sold by the applicant pursuant to Sale – Purchase/Transfer Agreement dated 19th December, 2022 under which the purchaser was obligated to pay a consideration of Rs.1,77,18,400/- on or before 18th January, 2023. It was further submitted that the parties had executed another Settlement Deed of even date.

The time for performance of the obligation thereunder has yet not arrived.

6. The learned APP, on instructions, submitted that the Investigating Officer had verified the IP address from which the threatening e-mails were allegedly sent. The applicant is not shown to be one of the persons, who had used the said IP address.

7. At this juncture, it would suffice to note that the former employee of the first informant namely Jitendra Dehuri, on whose statement the applicant was sought to be roped in for having committed theft of the first informant Company's data, has disowned the said statement and instead made allegations against officers of SAZ, in his statement recorded before the police.

8. In any event, there appeared to be corporate transaction between the applicant and the first informant's company. The material on record *prima facie* does not establish the nexus between the applicant and the alleged threatening mails, which were sent to the first informant company and its officers with a view to extort money.

9. In the aforesaid view of the matter, I am inclined to exercise the discretion in favour of the applicant.

10. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.415 of 2023, registered with Waliv Police Station, Mira-Bhayander, Vasai-Virar, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Waliv Police Station on 16th and 17th October, 2023 in between 10.00 am. to 1.00 pm. and thereafter as and when directed by the Investigating Officer.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

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

Application stands disposed.

[N. J. JAMADAR, J.]