

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2856 OF 2023

Rajkumar Amarnath Gupta	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Swatesh Tripathi, for the Applicant
Mr.. APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 11, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.129 of 2023 registered at Kasara police station initially for the offences punishable under sections 365, 341, 323, 504 and 506 read with 34 of Indian penal Code, 1860. Subsequently, offence punishable under section 420 of the Code also seems to have been added.
3. The first informant lodged report with the allegations that the co-accused Prince Dange, Shakil Momin and Azeem Diwan had taken his godown premise on hire and also induced him to invest the amount by making a false promise of lucrative return. Those co-accused did not return his amount. Hence, the first informant

insisted for repayment. Thereupon, on 13th April, 2023 the first informant was allegedly abducted and assaulted by the applicant and the co-accused Prince Dange, Shakil Momin and Azeem Diwan.

4. The learned counsel for the applicant submitted that the first information report came to be lodged on 16th August, 2023 with regard to the alleged incident dated 13th April, 2023. The dispute was primarily between the first informant and the co-accused Prince Dange, Shakil Momin and Azeem Diwan. The applicant has been falsely roped in.

5. The learned APP, on the other hand, submitted that there is material to show the presence of the applicant at the time of place of the occurrence.

6. I have perused the allegations in the first information report. It appears the genesis of the offences is in the dispute between the first informant and the co-accused Prince Dange, Shakil Momin and Azeem Diwan. The role attributed to the applicant is that of abducting and assaulting the first informant.

7. Prima facie, the delay of four months in lodging the report impairs the first informant's version. In any event, having regard to the nature of the accusations, the custodial interrogation of the applicant does not seem warranted to facilitate further investigation.

8. The Court is not informed that there are any antecedents which dis-entitle the applicant from the relief of pre-arrest bail. I am, therefore, inclined to exercise the discretion in favour of the applicant.

9. In the event of arrest in C.R. No.129 of 2023 registered with Kasara police station, the applicant Rajkumar Amarnath Gupta be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

10. The applicant shall cooperate with the investigation and attend Kasara police station, on 19th, 20th and 21st October, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

11. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

12. The applicant shall regularly attend the proceedings before the jurisdictional Court.

13. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)