

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3223 OF 2023

Chandrasen Vitthal Gaikwad ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Dilip Shinde a/w. Mr. M.C. Kumbhar, for the Applicant
Mr. S.H. Yadav, APP, for the Respondent/State.
API. Satish Patil, Navghar police station.

CORAM : N. J. JAMADAR, J.
DATE : NOVEMBER 10, 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.258 of 2023 registered at Navghar police station for the offences punishable under sections 341, 347, 384, 385, 387, 506(2), 504 and 506 read with 34 of Indian penal Code.
3. The first informant deals in the business of scarp. A contract to lift the scrap from transit camp, Mulund was awarded to the first informant. On 3rd August, 2023 while the first informant, his son and a supervisor were loading the scrap in the truck, the applicant accosted them and demanded an amount of Rs. 8,000/- per truck under the threat of causing harm to the first informant. The first informant was allegedly coerced to pay a sum of Rs. 5,000/-. Hence, the report.

4. The learned counsel for the applicant submitted that the applicant is a mathadi worker. Initially, it was agreed that the scrap work was to be allotted to the mathadi workers. As a dispute arose, the applicant has been falsely roped in.

5. I have perused the allegations in the first information report. The applicant allegedly extorted a sum of Rs. 5,000/- and threatened with dire consequences if the first informant did not pay extortion amount of Rs. 8,000/- per truck. Prima facie, the allegations in the first information report do not appear to be of such nature as to warrant custodial interrogation of the applicant to facilitate further investigation.

6. The learned APP submitted that the applicant has antecedents and three crimes have been registered against the applicant.

7. I have perused the report. It indicates that in C.R. No. 235 of 2018 was registered for the offence punishable under section 160 of the Penal Code. In C.R. No. 287 of 2010 registered for the offence punishable under section 302 of Penal Code, the applicant has been acquitted. Thus, the antecedents of the applicant are also not of such nature to dis-entitle the applicant to grant pre-arrest bail. So far as the apprehension on the part of the prosecution of threat to the witnesses and tampering with the evidence, the same can be

taken care of by imposing stringent conditions.

8. In the event of arrest in C.R. No.258 of 2023 registered with Navghar police station, the applicant 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.

9. The applicant shall cooperate with the investigation and attend Navghar police station as and when directed.

10. The applicant shall not enter the limits of Navghar police station for a period of nine months.

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.

Application disposed.

(N. J. JAMADAR, J.)