IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.438 OF 2024

Shrikant Maruti Shete .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Vilas Bambarde, Advocate a/w. D.J. Shehjul, S.B. Padekar for the Applicant.
Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 15th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.51/2024 registered at Samata Nagar Police Station, Mumbai on 20.1.2024 under sections 384, 385, 323, 504, 506 427 read with 34 of IPC.

2. Heard Shri Vilas Bambarde, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by one Brijesh Gaund. He has stated that he was having a business of selling fruits since

2014 near Kandivali Railway Station. In 2016, one Vinayak came near his fruit selling cart and threatened him. He demanded extortion money of Rs.20,000/- and Rs.300/- per day. The other fruit sellers told the informant that if the money was not paid Vinayak used to assault them and they were prevented from carrying out their business. Therefore, the informant gave Rs.20,000/- to Vinayak and used to give Rs.300/- per day. It is his case that the extortion money was handed over to the present Applicant. This continued even during the lock-down. On 5.1.2024, Vinayak again approached the informant and asked him to increase the extortion money. The same thing was repeated on 17.1.2024. On this occasion, Vinayak assaulted him and abused him. It is the case of the informant that Vinayak and the present Applicant were repeatedly coming to his place of business and used to threaten him. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant invited my attention to page Nos.40 to 56. He submitted that the Applicant was the Vice-Chairman of M/s. Saket Co-operative

Credit Society Limited. The informant's father Virendra Kumar was sanctioned loan of Rs.3 Lakhs, but, there was default in making payment of that loan. Learned counsel, therefore, submitted that to pressurize the Applicant and to get the loan waived off this false FIR is lodged implicating the Applicant falsely.

5. Learned APP supported the allegations in the FIR. She produced the statements of Rajendra Gupta and Arun Kumar Gupta, who were having some business in the same locality. They have made same allegations as are made in the FIR.

6. I have considered these submissions. For consideration of anticipatory bail application, it is necessary to see whether there is possibility of false implications with malafide intentions. Learned counsel for the Applicant has made out such a case. The first informant has not mentioned anything about the credit society and the loan given to his father by the credit society. Learned counsel for the Applicant is, therefore, justified in submitting that there is a reasonable

possibility that the Applicant is implicated falsely. In any case, the role attributed to the present Applicant is much lesser. The main allegations are directed towards Vinayak. The Applicant was supposed to collect money on his behalf.

7. Considering both these aspects, custodial interrogation of the Applicant is not necessary. He can be protected under Section 438 of Cr.P.C.

8. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No.51/2024 registered at Samata Nagar Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall cooperate with the investigation.

(iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

PRADIPKUMAR PRAKASHRAO DESHMANE

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Date: 2024.02.16 13:22:55 +0530