

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

ANTICIPATORY BAIL APPLICATION NO. 600 OF 2024

Mujtba Jakir Khurshid Ahmed	..Applicant
Versus	
The State of Maharashtra	..Respondents

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Mr. Mahendra N. Sandhyanshiv for Applicant.
Ms. Rajeshree V. Newton, APP for State/Respondent.

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CORAM :- SARANG V. KOTWAL, J.
DATE :- 5 MARCH 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.310 of 2023 registered at Pawarwadi Police Station, Nashik, on 22.11.2023, under Sections 364-A, 386 and 506 r/w. 34 of the Indian Penal Code. There are in all six accused in this case, out of which, four accused were arrested and the charge-sheet is already filed. The applicant remained absconding. He is seeking anticipatory bail.

2. Heard Mr. Mahendra Sandhyanshiv, learned counsel for the applicant and Ms. Rajeshree Newton, learned APP for the

State.

3. The F.I.R. is lodged by one Altaf Husain Ahamad. He has stated that on 24.10.2023 he received a telephonic call from an unknown number. The caller told him that she was in urgent need of help. She called him near a hotel. He went there. She told him that, she wanted to marry him and if he did not accept her proposal she would start shouting. In the meantime, she received a phone call and she told that caller that, at that time their design could not be taken forward as there were many people around. She picked up a goat from the informant's shed and took it away. She called him to village Patne. She threatened him that she would defame him if he did not turn up as promised. He went there with his friend. Again she repeated her proposal that he should marry her. The informant immediately left from there and went home. On 25.10.2023, again she called him to Mhalda and told him that she would return his goat. He went to that place. She took him to a house and started getting physical. Around that time, four unknown persons entered that house and started beating him. He knew one of them as Sagir. They started threatening him. They

forced him to sit on the motorcycle and took him to a secluded road. They told him that, he must marry her otherwise he would be framed in a false case. They demanded Rs.50000/- to not proceed further. They removed Rs.8000/- from his pocket and left him there. Out of the fear of damaging his reputation, he did not tell this to anybody. That lady tried to call him a couple of times but he did not respond. After a few days, he came to know that Sagir was arrested and the police were asking for information from those who had suffered at his hands. After that, gathering courage, the informant approached the police and lodged this F.I.R.

4. Learned counsel for the applicant submitted that the alleged incident had taken place on 24.10.2023 and on 25.10.2023, and the F.I.R. is lodged on 22.11.2023. Therefore, according to the learned counsel, there is a delay of about a month in lodging the F.I.R. It shows that it was filed as an afterthought. There is no direct or indirect evidence against the present applicant. He is willing to co-operate with the investigation. The charge-sheet and the statement of the informant shows that the applicant was not present when the incident had taken place.

5. Learned APP opposed these submissions. She referred to the statements of the co-accused Shehnaz and Muddasir. Both of them have stated that the entire idea was that of the present applicant and that they had committed that offence at the instance of and on the say of the present applicant. The co-accused Muddasir has stated that, they had taken Rs.8000/- from the informant and for that purpose the present applicant had paid them Rs.2000/- each. He has also stated that the offence was committed at the applicant's instance.

6. I have considered these submissions. The manner in which the offence was committed shows that it is a clear case of extortion. The informant was put under fear. He was abducted. It is only after the police had arrested Sagir and had called for other complaints from the citizens, the applicant approached the police station. Therefore, the delay in this case is explained by the informant. The statements of the co-accused at this stage can be taken into consideration. They have clearly stated about the role played by the present applicant. He was the brain behind this offence. He had distributed the money which was taken from the

informant. The offence is serious. Considering the gravity of the offence, custodial interrogation of the applicant is necessary. He cannot be protected U/s.438 of the Cr.p.c.

7. The application is rejected.

(SARANG V. KOTWAL, J.)