

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

ANTICIPATORY BAIL APPLICATION NO. 767 OF 2024

(1) Manisha Lalit Khakhadiya,
(2) Lalit Meghji Khakhadiya. ..Applicants

Versus

The State of Maharashtra ..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 352 OF 2024**

(1) Jitendra Harjibhai Bhaskar,
(2) Girish Harjibhai Bhaskar ..Applicants

Versus

The State of Maharashtra ..Respondent

Mr. Shadab Khopekar for Applicants in both ABAs.

Mr. C. D. Mali, APP for State/Respondent.

Mr. Sameer P. Nangare for original complainant.

CORAM : SARANG V. KOTWAL, J.

DATE : 22 MARCH 2024

P.C. :

1. Both these applications are decided by this common order today, because they arise out of the common subject matter.

2. The Applicants are seeking anticipatory bail in connection with C.R.No. 628 of 2023, registered at Agripada Police Station, Mumbai, on 13.12.2023, under sections 384 and 387 r/w. 34 of the Indian Penal Code.

3. Heard Mr. Shabad Khopekar, learned counsel for the applicants, Mr. Mali, learned APP for the State and Mr. Sameer Nangare, learned counsel for the first informant.

4. The F.I.R. is lodged by one Tabrej Shaikh. He has stated that, he is in the business of construction. He is associated with M/s. Rubberwala Housing and Infrastructure company, as well as, with M/s. Grace Rubberwala City Developers. In August 2005, the informant's firm was given a contract for redevelopment project of Mazgaon Tadvadi Co-op. Housing society. The development agreement was entered into on 28.06.2006 between the informant and the society. The F.I.R. thereafter mentions long history of litigation right from the year 2006 to 2022. It was carried out right from this Court to the Hon'ble Supreme Court. The applicants had filed writ petitions against the informant's firm before this Court.

The subject matter of the F.I.R. is that the applicants were demanding money and a flat for the applicant Manisha and Lalit for withdrawing the proceedings or not going ahead with the proceedings before the Hon'ble Supreme Court. The F.I.R. refers to one Pushpasen Rajput. There was a meeting dated 08.02.2023. The applicants Jitendra, Manisha and Lalit had met the informant's brother Firoz Shaikh. Pushpasen was also present during that meeting. It is the case of the informant that the applicant Jitendra demanded Rs.5 crores for themselves and a flat for the applicant Manisha and Lalit, in the project. On 08.04.2023, Pushpasen collected Rs.5 lakhs from the informant. The informant did not pay the further amount and did not give the flat to the applicants Manisha and Lalit. Therefore, according to the first informant, the applicants Jitendra and Girish continued with their legal proceedings. Hence, it was a case of extortion. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicants submitted that the applicants Jitendra and Girish have been pursuing their legal rights since past many years. The allegations against all the applicants

are made to pressurise them. They had no connection with Pushpasen Rajput. In fact, Pushpasen mentioned in the F.I.R. is the informant's own contractor/material supplier. Therefore, the informant is using his name. The applicants Jitendra and Girish have co-operated with the investigation. The allegations are false.

6. Learned counsel for the applicant submitted that the alleged meeting had taken place in February 2023. The amount of Rs.5 lakhs was allegedly handed over on 08.04.2023 and the F.I.R. was lodged much belatedly on 13.12.2023; though, in between a complaint was made by the informant with the police on 19.07.2023. He further submitted that, in any case the applicants Manisha and Lalit have no concern with the litigation and they were never parties to any of the litigations; in this Court or before the Hon'ble Supreme Court.

7. Learned counsel for the informant relied on the allegations made in the F.I.R. He submitted that, said Pushpasen was known to both the parties and, therefore, he was handed over the amount. He further submitted that, considering the allegations

in the F.I.R., the applicants do not deserve any protection.

8. Learned APP submitted that, the fact that the meeting, as mentioned earlier, had taken place can be seen from the CCTV footage.

9. I have seen those photographs. The photographs show that they were sitting together. However, there is no recorded conversation of that particular meeting. There is a transcript of the conversation between the applicant Jitendra and the informant Tabrej. I have perused that transcript of the conversation, however, it is not very clear taking forward the prosecution case.

10. Learned APP submitted that the applicant has accepted that he has received the payment from Pushpasen.

11. I have considered these submissions. As per the earlier order dated 07.02.2024, the applicants Jitendra and Girish have attended the police station. Learned APP, on instructions, states that, both of them have co-operated with the investigation. The applicant Manisha is a lady and she has a very minor role to play

as per the entire allegations. Her husband Lalit, in any case, is not involved in any of the transactions. In this view of the matter and in the background of history referred to herein above, custodial interrogation of the applicants is not necessary. As admitted by learned APP, the applicant Jitendra and Girish have co-operated with the investigation. Their further interrogation will not be necessary.

12. Considering this discussion, the applicants can be protected U/s.438 of the Cr.p.c. It is made clear that, these observations are made only for the purpose of deciding these anticipatory bail applications. At the proper stage, the trial Court shall not be influenced by these observations.

13. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No. 628 of 2023, registered at Agripada Police Station, Mumbai, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each

(Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

- ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) Both the Applications are disposed of.

(SARANG V. KOTWAL, J.)