

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

ANTICIPATORY BAIL APPLICATION NO. 1591 OF 2024

1. Sanjay Udaykant Thakur
Age 42 years, Occ. Business,
Address: 503/A, Vrindavan Tower,
Shanti Park, Near St. Joseph School,
Mira Road East, Thane - 401 107.

2. Gitesh Suresh Dave
Age 42 years, Occ. Business,
Address: J-203, Sonam Suvidha
Phase 12, 100 Ft. Road, Near
Mittalal Bungalow, Bhayandar East,
Thane - 401 105.

..Applicants

Vs.

1. The State of Maharashtra
Through the Office of Public Prosecutor
High Court, Mumbai.

2. The Senior Police Inspector
Bhayander Police Station

..Respondents

Mr. Sunil Lalla a/w. Ms. Preeti Mahanta, for the Applicants.
Mr. Chandrakant D. Mali, APP for the Respondent – State.
API Kature, Bhayander Police Station present.

**CORAM : R. N. LADDHA, J.
DATE : 14 JUNE 2024**

P.C.

. Heard Mr Sunil Lalla, the learned Counsel representing the applicants, and Mr Chandrakant Mali, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicants, apprehending arrest in CR No.180 of 2024 registered with Bhayander Police Station, Thane, for the offences punishable under Sections 384, 504 and 506 read with 34 of the Indian Penal Code.

3. In January 2024, during a construction project contracted by Hriday Rajbhar, the informant received a call from applicant No.1 Sanjay Thakur, who claimed the construction was illegal and if the informant did not want demolition of construction by the Municipal Council, he should bit him. Upon meeting, both applicants, who claimed to be journalists, demanded a ransom of Rs.5000/- to prevent the demolition and cause him to pay the amount. Again, on 25.04.2024, while construction was underway at the residence of Shakuntala Khandelwal, accused No.1 made contact with the informant and asked him to meet. During this meeting, both applicants demanded ransom, which lead to a payment of Rs.6,000/- by the informant to the applicants. Subsequently, an FIR was filed regarding this incident.

4. The learned Counsel for the applicants submits that the informant initiated contact with them, offering them a bribe on his own accord. Upon their refusal, he falsely accused them and lodged a false complaint at the police station, which does not have jurisdiction. He also disputes the non-receipt of notice u/s 41-A CrPC. Furthermore, the learned Counsel submits that although the applicants are in no way concerned with the construction, they filed a complaint with the Municipal Corporation as citizens of this country. Further, the learned Counsel contends that the CCTV footage is unreliable due to lack of a date and incompleteness.

5. Conversely, the learned Additional Public Prosecutor, appearing on behalf of the respondent/State, submits that the applicants, who claim to be journalists, demanded and accepted the ransom from the informant. There is material to show that the applicants have previously been involved in similar criminal activities. Learned APP points that video clippings and CCTV footage have captured the incident in question. Since the registration of the crime, the applicants have been absconding.

6. Upon perusal of the records, it is evident that the FIR explicitly implicates both applicants. It precisely describes allegations of the applicants receiving ransom payments twice from the complainant, with the incident reportedly recorded on

video. The charges of accepting ransom are serious. The investigation is in the process. *Prima facie*, there appears to be no reason for the informant to implicate the applicants in this crime. The defence put forth by the learned Counsel for the applicants, which posits that the complainant voluntarily paid a bribe, is not convincing. The custodial interrogation of the applicants would be necessary for further investigation. Given these circumstances, the discretion under Section 438 CrPC cannot be exercised in favour of the applicants, and the application stands rejected.

R. N. LADDHA, J.