

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

Anticipatory Bail Application No.2584 of 2024

Makrand Ramesh Patil

Age: 44 years, Occ: Consultancy,

R/at B-701, Satyam Harmony,

Plot No.66, Sector 8A, Airoli,

Navi Mumbai 400 708

...Applicant

v/s.

The State of Maharashtra

Vishnunagar Police Station

...Respondent

Mr Irfan A Shaikh, for the applicant.

Ms Supriya Kak, APP, for the respondent/ State.

PI Game, Vishnu Nagar Police Station, Thane City, is present.

Coram: R.N. Laddha, J.

Date: 19 September 2024

P.C.:

I have heard Mr Irfan Shaikh, the learned Counsel appearing for the applicant and Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State and perused the material placed on record.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.535 of 2024, registered at Vishnu Nagar Police Station, Thane City, for offences punishable under Sections 504, 387, 386 read with 34 of the Indian Penal Code (IPC).

3. Mr Irfan Shaikh, the learned Counsel representing the applicant,

contends that the applicant, engaged in the business of restructuring loans and investments, was approached by the informant, who had borrowed over Rs.1,00,00,000/-. The applicant agreed to render his services to the informant for Rs.15,00,000/-. Upon being informed by the informant about the illegal monetary demands from the co-accused lenders, the applicant advised the informant to take appropriate actions which led to the informant contacting the police. The learned Counsel asserts that the allegations do not fall under Sections 387 and 386 of IPC, as the FIR lacks specific details about any threats or coercion by the applicant. Further, Mr Shaikh argues that the applicant has been falsely implicated in the present crime, while the main culprits have already been released on bail. The applicant has no criminal antecedents. Upon receiving a notice, the applicant promptly visited the concerned Police Station, fully cooperated with the investigation, and provided a statement. There is nothing left to be recovered or discovered from the applicant. Furthermore, the applicant is ready to adhere to any conditions set by this Court.

4. On the other hand, Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicant, along with the co-accused, threatened the informant to recover the money. The investigation is in progress. Considering the seriousness of the offence, the applicant's custody is deemed necessary. The learned APP raises concerns about granting pre-arrest bail to the applicant, apprehending that he may tamper with the evidence or

influence the witnesses.

5. Upon perusing the records, it appears that the applicant, along with the co-accused, is accused of threatening the informant with dire consequences if he did not repay the borrowed amount. The applicant seems to be engaged in the business of restructuring loans, and the informant availed himself of his services in exchange for a service fee. *Prima facie*, aside from the allegations in the FIR, the material on record does not suggest that the applicant threatened or coerced the informant to demand an exorbitant amount. The co-accused have already been granted bail. The applicant has attended the concerned Police Station, cooperated with the investigation and his statement came to be recorded. No recovery or discovery is to be made at the applicant's behest. Moreover, the applicant has no criminal antecedents. The prosecution's concerns about evidence tampering and witness influence can be addressed by imposing suitable conditions. In these circumstances, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in CR No.535 of 2024, registered at Vishnu Nagar Police Station, Thane City, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

- (ii) The applicant shall attend the concerned Police Station as and when required.
 - (iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.
6. The application stands disposed of accordingly.

[R.N. Laddha, J.]