

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

Anticipatory Bail Application No. 3503 of 2024

Iliyas Fakir Mohammed Belim

Aged about 38 years, Occ. Vendor,

R/at. Flat No.1518, Gulistan

Building No.19, Gorai Road,

Near Sadanand Park, Old MHB

Colony, Mumbai – 400 092.

... Applicant

Versus

The State of Maharashtra

At the instance of Borivali Road Police

Station, Office at:- 1st Floor, Main

Building, High Court, Fort,

Mumbai – 400 001.

... Respondent

Mr Ashok Chopra, along with Mr Ganesh Upadhyay, for the applicant.

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

API Dattatray More, Borivali Police Station, Mumbai.

Coram: R.N. Laddha, J.

Date: 20 December 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.94 of 2024, registered at Borivali Police Station, Mumbai, for offences punishable under Sections

384, 386, 387 and 504 read with 34 of the Indian Penal Code.

2. It is the case of prosecution that the applicant and the co-accused extorted Rs.85,000/- from the informant and demanded further amounts to continue the roadside business of selling clothes. They also threatened him with dire consequences if he failed to pay the sum.

3. Mr Ashok Chopra, the learned Counsel appearing on behalf of the applicant, contends that the FIR does not contain any allegations of the applicant extorting money from the informant. The learned Counsel asserts that the applicant never demanded the alleged money and has been falsely implicated due to being a business rival of the informant. The learned Counsel points out the delay in lodging the FIR, noting that the alleged incident occurred in November 2023, but the FIR was only lodged in February 2024. The applicant is willing to comply with any conditions imposed by the Court.

4. The learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is grave and serious nature. The applicant, along with the co-accused, coerced into paying money and demanded additional sums. They also threatened to harm his life if he did not comply. The learned Public Prosecutor contends that if the applicant is granted pre-

arrest bail, he may tamper with the evidence and influence the witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. A cursory reading of the FIR reveals that the applicant's role was limited to meeting the informant at the request of the co-accused and encouraging him settle the dispute with the co-accused. Apart from this, *prima facie*, there is no material to show that the applicant demanded money from the informant. Additionally, there has been a substantial delay in filing the FIR. The applicant has no criminal antecedents, and the co-accused have already been released on bail. Furthermore, the investigation is at an advanced stage, and nothing is to be recovered from the applicant. Considering these factors, the application is allowed in the following terms:

(i) In the event of the applicant's arrest in connection with CR No.94 of 2024, registered at Borivali Police Station, Mumbai, 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 indulge in any activity that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)