



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.177 OF 2024

Praveen Kant s/o Paras Nath

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Ambazari, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Y. D. Shukla, Advocate for applicant.

Mr. U. R. Phasate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 26 /04/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.847/2023 registered with Police Station, Ambazari, Nagpur for the offences punishable under Sections 384, 385, 506 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The applicant is apprehending arrest at the hands of police as crime is registered against him on the basis of report lodged by Saptarshi Manab Naha who alleged that in July 2023 one Pravin Bhardwaj resident of Bishrampur (Chhattisgarh) met in his office and demanded some amount from him and also threatened him, if he fails to pay the amount, he would file false complaint against his company. During the said period, it also revealed to him that

the present applicant and other co-accused are the blackmailers and they visit the offices and threatened the officers and the employees and blackmails them. It is further alleged that in the month of August – September 2023 his employee Dilip Kukde informed him that present applicant came in the company to meet him and demanded the amount as extortion. On the basis of the said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant Mr. Shukla submitted that as far as the allegations are concerned, which are vague in nature. The FIR is lodged after five months of the said incident. No day and date is mentioned in the said report. He further invited my attention towards the notice issued by the present informant to the applicant alleging that they have published some articles in the newspapers and defame him. He submitted that even in defamation notice, this fact of extortion of the amount is not mentioned. Thus, this event sufficiently shows that after thought, this false report is lodged against the present applicant. As far as the custodial interrogation is concerned, which is not required and therefore, he be protected by granting pre-arrest bail.

4. Learned APP strongly opposed the said application on the ground that considering the

present applicant was seen in the CCTV footage of the company which shows that he has visited the company of the present informant. Thus, there is a substance in the allegation made by the informant that he had been to his company and demanded some amount from him. *Prima facie* case is made out and his custodial interrogation is required and prays for rejection the application.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. As far as the contention of the learned Counsel for the applicant is concerned has some substance as in the entire FIR no day, time or date is mentioned, when the present applicant approached the informant and demanded the extortion amount. The another submission of the learned Counsel for the applicant has also substance that in the notice which is issued by the informant to the present applicant, nowhere disclosed that the present applicant had been to his company and demanded some amount. Thus, he submitted that after thought this report is lodged by the informant and custodial interrogation is not required. After going through the entire investigation papers, the contention of the learned Counsel for the applicant is substantiated by this material. Considering the same, the applicant has made out a case for grant of anticipatory bail, in view of that, application deserves

to be allowed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.847/2023 registered with Police Station, Ambazari, Nagpur for the offence punishable under Sections 384, 385, 506 read with Section 34 of the Indian Penal Code, the applicant **Praveen Kant s/o Paras Nath** shall be released on anticipatory bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)