

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

Anticipatory Bail Application No.1000 of 2025

Viraj Jagdish Jangam
Age: 29 yrs, Occ: Business,
R/at-House No.762 Sparsh,
Raviwar Karanja, Near
Chandi Ganapati, Marathi
Tower, Nashik.

..... Applicant.

Vs.

The State of Maharashtra
I/O Sarkarwada Police Station,
Nashik.

..... Respondent.

Mr Raviraj Paramane for the applicant.
Mr Arfan Sait, APP for respondent/State.
HC 439, NK Thete, IO, Post-Sarkarwada Police Station,
Nashik City.

**Coram : R.N.Laddha, J.
Date : 23 June 2025.**

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.84 of 2025, registered at Sarkarwada Police Station, Nashik, for offences punishable under Sections 324(5) and 308(4) of the Bharatiya Nyaya Sanhita, 2023.

2. The complainant who has lived in Saraf Bazar since 2000 and shifted from running a general store to farming after his father's death in 2023, alleges ongoing harassment by the applicant, who has criminal antecedents. On 15 March 2025, the applicant demanded Rs.1,00,000/- to allow the informant to continue residing in the area. When the demand was not met, the applicant assaulted informant's son Atharva on 17 March 2025, vandalised their home, damaged their vehicles and issued death threats. The harassment, including extortion and threats, had been ongoing since the closure of the complainant's shop. A police complaint was filed as the threats escalated.

3. Mr Raviraj Paramane, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant shares a cordial relationship with the informant's son and nephew, as they are friends. On 17 March 2025, while engaged in a casual conversation with them, an unfortunate altercation ensued. During the course of discussion, the informant's son and nephew made derogatory and offensive remarks concerning the applicant's wife, which provoked a verbal exchange that subsequently escalated into a physical confrontation. The learned

Counsel submits that the applicant was assaulted by the informant's son and nephew during the scuffle, and in the midst of the incident, the informant himself intervened by brandishing a revolver in a threatening manner. Alarmed by the aggression and display of a firearm, the applicant left the scene. In a moment of emotional distress and provocation, he is alleged to have thrown stones at the informant's house. However, it is emphasised that this reaction stemmed from the immediate provocation and was not premeditated. The learned Counsel further submits that the applicant merely sought the recovery of a monetary amount owned to him by the informant, and the accusations of extortion, vandalism of a motorcycle and car, and other such allegations are entirely baseless. The learned Counsel further submits that the informant did not express any grievance or lodge a complaint on 15 March 2025, the date on which the applicant allegedly first demanded the money. Instead, the FIR was registered belatedly on 18 March 2025, raising questions about the credibility and timing of the complaint. Mr Paramane, submits that the applicant himself has filed a complaint against the informant, his son, and nephew regarding the incident; however, no action has

been initiated by the authorities in response to that complaint. Lastly, he submits that the applicant is ready and willing to comply with any conditions that may be imposed by this Court in the event that he is granted bail.

4. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State, opposes the applicant's request for pre-arrest bail. He contends that the applicant not only demanded a substantial sum of money from the informant but also physically assaulted members of the informant's family. When these unlawful demands were not met, the applicant escalated the matter by throwing stones at the informant's residence. This violent act caused substantial property damage, including the breaking of kitchen window glass and the damage to the vehicles parked in the premises.

5. The learned APP further submits that the entire sequence of events has been captured on CCTV footage, which not only corroborates the allegations but also reveals the presence of an unidentified person accompanying the applicant during the commission of the offence. In view of these facts, the learned APP submits that custodial

interrogation of the applicant is necessary for the proper identification of all the individuals involved and for thorough investigation of the matter. He submits that granting anticipatory bail at this stage would jeopardised the course of effective investigation.

6. This Court has given anxious consideration to the rival contentions and perused the records.

7. It is a settled principle in law that the power to grant anticipatory bail application is extraordinary. While it has been acknowledged in many instances that regular bail is considered the general rule, the same cannot be said for anticipatory bail. The decision to grant anticipatory bail should be exercised with careful and prudent discretion by the Court, considering the specific circumstances of each case. When exercising this power, the Court must exercise caution, as granting protection in serious cases could potentially lead to a miscarriage of justice or hinder investigation by allowing tampering or destruction of evidence. A profitable reference in this regard can be made to the decision in *Srikant Upadhyay & Ors. v. State of Bihar & Anr.*, 2024 SCC OnLine 282.

8. Upon perusing the records, it appears that the applicant stands accused of extortion, vandalism of the vehicles. Further, it is alleged that the applicant demanded a substantial sum of money from the informant and on failure assaulted the son of the informant. He further escalated the matter by throwing stones at the informant's residence. This violent act caused substantial property damage, including the breaking of kitchen window glass and the damage to the vehicles parked in the premises. It is alleged that on 15 March 2025, the applicant demanded a sum of Rs.1,00,000/- from the informant, threatening dire consequences upon failure to meet this demand. Upon the informant's refusal, the applicant is said to have physically assaulted the informant's son and summoned the informant on 17 March 2025, where the monetary demand escalated to Rs.2,00,000/-. Following the informant's non-compliance, during the early morning hours of 18 March 2025, the applicant purportedly threw stones at the informant's residence, resulting in property damage, including the vehicles and windows of the house of the informant. It is further alleged that the applicant contacted the informant's nephew via phone, wherein he not only

boasted about damaging the informant's vehicles but also issued a death threat, stating that the informant's son would be killed within two days if the monetary demands were not fulfilled. These allegations cumulatively suggest a sustained pattern of coercion, intimidation, and violence, which has allegedly caused fear and bodily harm to the informant and his family.

9. The applicant, for his part, asserts that a scuffle had occurred between the parties, during which he was assaulted by the informant's son and nephew. In purported response, he claims to have lodged a complaint. However, it is pertinent to note that this complaint was purportedly sent on 20 March 2025, two days after the registration of the present FIR. Moreover, the applicant, in ground (g) of the present anticipatory bail application admits to having thrown stones at the informant's house. In addition, on a *prima facie* basis, the CCTV footage on record substantiates the claim that the applicant engaged in stone pelting and vandalism of the informant's vehicles with the presence of another unidentified accomplice also being discernible. These allegations assume greater significance in the light of the applicant's criminal antecedents, which raises concerns

regarding the likelihood reoffending, the credibility of the applicant, and the significant threat to public order.

10. In light of the material available on record, including the applicant's own admission and corroborative evidence in the form of CCTV footage, there appears to be sufficient material to implicate the applicant in the alleged offence. Given the nascent stage of the investigation and the gravity of the allegations, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R. N. Laddha, J.]