

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1481 OF 2025

Devesh S. Mishra	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Kuldeep Patil i/by Ms. Saili Dhuru for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 15, 2025

P.C.:

1. The applicant, apprehending arrest in connection with Crime Register No. 105 of 2025 registered with APMC Police Station, District Raigad for offences punishable under Sections 308(2), 308(3), 352 and 351(2) of the Bhartiya Nyaya Sanhita, 2023, has approached this Court seeking pre-arrest bail under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023.

2. As per the prosecution case, the complainant is running a hotel in the name of Baba Palace Bar and Restaurant. Along with him, the partners of the said hotel are Manoj Hegde, Navin Shetty and Surya Singh. On 6 February 2025 at around 11.00 p.m., after closing the hotel, the complainant was sitting there with partners Navin Shetty and Surya Singh, and the hotel manager, Vinish Naik. At that time, the manager received a telephone call from the

applicant enquiring whether he should come to collect the money. Shortly thereafter, at around 11.10 p.m., the applicant came to the spot in his four-wheeler and called the manager into his car. The manager questioned the applicant regarding the tweets posted against their hotel. The applicant demanded Rs. 4,000/- per month and threatened the manager that, being a journalist by profession, he would tarnish the name of the hotel through articles and tweets unless the amount was paid. He further threatened that if they wanted to continue their hotel business without trouble, they would have to pay him.

3. The hotel partners were present when these threats were given to the manager. The applicant abused the complainant, whereupon the complainant assaulted him. The applicant told the complainant to accompany him to the police station. The complainant replied that he had already called the police to the spot. Later, the complainant and the applicant went to the police station. However, since the matter appeared to be of a minor nature, the dispute was settled at that time and no FIR was registered by either party.

4. It is also alleged that in November 2024, the applicant had threatened the complainant and extorted Rs. 30,000/- from him. Considering these repeated acts, the complainant, after discussing with his partners, decided to lodge an FIR against the applicant. Accordingly, the present FIR came to be registered.

5. Learned counsel for the applicant submitted that in an earlier round of litigation, Anticipatory Bail Application No. 903 of

2025 was dismissed as withdrawn, after being partly heard. The applicant had then approached the Supreme Court, but the Special Leave Petition came to be dismissed on 2 April 2025. He further pointed out that in FIR No. 118 of 2025, which contained similar allegations, this Court had rejected the applicant's anticipatory bail application, but the Supreme Court granted interim protection. He therefore contends that the applicant is again entitled to the same protection.

6. On the other hand, learned APP opposed the application. It is submitted that once this Court has dismissed the applicant's earlier application on merits, all grounds on merits are deemed to have been considered and rejected. That order was confirmed by the Supreme Court in the earlier round. Merely because in another FIR with similar allegations the Supreme Court granted interim relief, that cannot be a ground to entertain the present application. There is no material change in circumstances that would entitle the applicant to file a fresh application. Hence, the application deserves to be dismissed.

7. Having considered the rival submissions, the record shows that the applicant had earlier approached this Court by filing Anticipatory Bail Application No. 903 of 2025. The same was dismissed as withdrawn after being partly argued. The applicant thereafter approached the Hon'ble Supreme Court by way of Special Leave Petition, which came to be dismissed on 2 April 2025. Thus, the order of this Court rejecting the applicant's prayer for anticipatory bail has attained finality.

8. Once this Court has examined the matter and refused to grant anticipatory bail, and the said order stands confirmed by the Supreme Court, all grounds which could have been urged by the applicant stand concluded. In absence of any material change in circumstances, the applicant cannot be permitted to file successive applications on the same grounds.

9. The contention that in another FIR bearing No. 118 of 2025, though this Court rejected anticipatory bail, the Hon'ble Supreme Court granted interim protection, does not advance the case of the applicant. Interim relief in a separate matter does not amount to a change of circumstance in the present case. Each FIR has to be considered on its own facts.

10. The allegations in the present FIR clearly point out that the applicant was not acting on a sudden impulse or in a solitary incident. It is alleged that he demanded a fixed monthly payment from the complainant and his partners, threatened them by misusing his professional position as a journalist, and in the past had also succeeded in extorting money from them. These acts, if taken together, indicate a repeated course of conduct rather than an isolated occurrence.

11. Such allegations prima facie disclose a pattern of intimidation and extortion. The element of demanding protection money on a recurring basis shows that the applicant intended to create fear and compel the complainant to submit to his illegal demands. The fact that a prior incident of extortion is also referred to in the FIR strengthens the prosecution version that the present

complaint is not an afterthought but is part of continuing illegal activities attributed to the applicant.

12. In this backdrop, the plea of the applicant for pre-arrest bail cannot be considered in isolation. The grant of pre-arrest bail at this stage would seriously prejudice the investigation. The investigating agency must be allowed free access to interrogate the applicant, confront him with witnesses and documents, and gather further material to unearth the full extent of the alleged offences. Custodial interrogation, where necessary, is an important tool available to the investigating agency and it should not be curtailed by grant of anticipatory bail when serious allegations of extortion and threats are involved.

13. The Court cannot lose sight of the fact that offences of this nature affect not only the complainant but also create a sense of insecurity in society at large. The misuse of professional standing to extort money, if established, strikes at the very root of public trust. Therefore, the protection of pre-arrest bail, which is an extraordinary relief, cannot be extended in such circumstances.

14. Hence, considering the seriousness of allegations, the past conduct attributed to the applicant, and the requirement of fair and effective investigation, this Court finds no ground to exercise discretion in favour of the applicant.

15. Therefore, in the considered view of this Court, no case is made out for grant of pre-arrest bail. The application is devoid of merit and deserves to be dismissed.

16. Accordingly, the application stands dismissed.

(AMIT BORKAR, J.)