

MHCC050060942022



IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI

**ANTICIPATORY BAIL APPLICATION NO.1825 OF 2022**  
**(C. R. No.883/2021 of Malad Police Station )**

Umesh Shashikant Sakharkar ]  
Age: 43 years, Occu: Service ]  
Residing at : B-704, Sai Shraddha CHS, ]  
Veera Desai Road, Andheri (W), Mumbai-58. ] ..Applicant

Versus

The State of Maharashtra, ]  
(Through Malad Police Station) ] ...Respondent

Ld. Adv. P.S. Palekar for applicant.  
APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,**  
**Additional Sessions Judge,**  
**Court Room No.10.**  
**Date : 24<sup>th</sup> November, 2022**

**ORAL ORDER**

The present application is filed by the applicant under section 438 of the Code of Criminal Procedure 1973 for granting anticipatory bail in connection with Crime No.883 of 2021, registered with Malad Police Station for the offences punishable under Sections 387, 506(II) and 120B of IPC.

Brief facts of the prosecution case are as under :

2. It is alleged by the complainant that he received international phone call by which somebody threatened him to cause his death, if he does not give Rs.2 Crores. The said threats given on phone in the first week of May, 2021 i.e. 1.05.2021, 2.05.2021, 3.05.2021 and 4.05.2021. From the conversation on phone received on 4.05.2021 the complainant came to know the name of caller is Kalyan @ Nannubhai. Therefore, he lodged report at Malad Police Station against Kalyan @ Nannubhai. On that basis, Crime No.883/2021 came to be registered against Kalyan @ Nannubhai.

3. Ld. Advocate for applicant submitted that applicant is innocent and not committed any offence. The applicant is not involved in the alleged crime in any manner. There is no role attributed to the present applicant. He is ready to abide by any conditions imposed upon him and also ready to co-operate in investigation. Hence, prayed for allowing the application.

4. Ld. APP strongly raised objection in view of reply at Exhibit-2 and submitted that offence is serious one. If he is released on anticipatory bail, he will pressurise the prosecution witnesses. Hence, she prayed for rejection of the application.

5. Considering the submissions of both sides and gone through the record, it appears that the incident of extortion took place in May, 2021 and report is lodged in December, 2021. Furthermore, during investigation, Mahesh Poojari, Prasad Korgankar and Sachin

Poojari were arrested and after that released on bail in view of the order dated 21.01.2022, 24.02.2022 and 29.04.2022. On perusal of reply and FIR, it appears that there is no specific role attributed against the applicant. Therefore, his custodial interrogation is not warranted. On the other hand, the applicant is ready to co-operate in the investigation and also ready to abide by any conditions, imposed upon him. Therefore, it would be appropriate to enlarge the applicant on pre-arrest bail. The apprehension in the mind of the prosecution that if the applicant is released on pre-arrest bail, then he will pressurise the prosecution witnesses, but can be taken care, by imposing certain conditions. Hence, I proceed to pass the following order :-

**ORDER**

1. Anticipatory Bail Application No.1825 of 2022 is hereby allowed.
2. In the event of arrest of the applicant- Umesh Shashikant Sakharkar, he be released on bail on executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of like sum in connection with Crime No.883/2021, registered with Malad Police Station for the offences punishable under Sections 387, 506 and 120B of IPC, on following conditions :
  - i) He shall attend Malad Police Station on every Sunday in between 10.00 a.m. to 1.00 p.m. till filing of chargesheet.
  - ii) He shall co-operate the police in investigation and shall not tamper the prosecution witnesses in any manner.
  - iii) He shall not directly or indirectly make any inducement threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such a fact to the Court or to any police officer.

- iv) He is directed to furnish his local & native address and contact number to Malad Police Station.
- v) Inform to the Malad Police Station.
3. Anticipatory Bail Application No.1825 of 2022 stands disposed of accordingly.

Dictated and pronounced in open Court.

**(M.I. LOKWANI)**

Dt. 24.11.2022

Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Dictated to steno on : 24/11/2022  
Transcribed by steno on : 24/11/2022  
Checked & Signed by HHJ on : 24/11/2022

TIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 24.11.2022 AT 05.20 p.m. NAME OF STENOGRAPHER ATUL S. BHOGTE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	24/11/2022
JUDGEMENT/ORDER signed by P.O. on	24/11/2022
JUDGEMENT/ORDER uploaded on	24/11/2022