

Date of institution **31.01.2025**Date of decision **11.02.2025**

**IN THE COURT OF 5TH ADDITIONAL SESSIONS JUDGE,
AHMEDABAD (RURAL) AT NAVRANGPURA**

CRIMINAL MISC. APPLICATION NO. 315 OF 2025

Applicant:

Name **Maheshdan Prabhudan Langa**
Age 44 years,
Address [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

At present in judicial custody.

V/s.

Respondent:

1) **State of Gujarat**

2) **Satellite Police Station**

Through Police Inspector,
At: Near Ramdevnagar Crossroad,
Satellite, Ahmedabad.

Appearance (Learned Advocates):

For Applicant Mr. A. J. Yagnik
Respondents Ld. PP Mr. P. M. Trivedi

-: O R D E R :-

1. The present bail application has been filed on behalf of applicant-accused for anticipatory bail in connection with FIR bearing **Crime Regi. No.11191042250022/2025** registered with **Satellite Police Station** for the offences punishable under Section **308(2)** of the **Bharatiya Nyay Sanhita, 2023** (for short "**BNS**").

2. In nutshell the case of the prosecution is that complainant is a land broker and around one and a half year ago prior to filing of complaint, he met with the present applicant-accused at one coffee shop. It is alleged that the complainant assured him of completing land brokerage deals and also assured him of securing goods returns. Under this pretext, the present applicant-accused obtained a sum of Rs.20,00,000/- from the complainant. It is further alleged that the present applicant-accused also threatened the complainant in connection with some land brokerage transaction by publishing false articles against him in the newspaper and also defaming him in the society and, thereby, extorted a sum of Rs.20,00,000/-. In all the present applicant-accused is alleged to have extorted a sum of Rs.40,00,000/- from the complainant. In these circumstances, an FIR was registered against the accused persons and apprehending his arrest, the instant anticipatory bail application has been preferred by the present applicant-accused.
3. Ld. Advocate for the applicant-accused has submitted that present applicant-accused has been falsely implicated in the present offence. It has been further submitted that the present FIR is nothing but an abuse of process of law and no offence is made out against the present applicant-accused. It has been further submitted that the present applicant-accused has never dealt as a land broker with the complainant and even no specific instance is cited in the FIR so that it could be found that the applicant was

actually dealing with the lands as a broker or he had received any money while dealing with such lands. It has been further submitted that the complainant has not named in other person with whom the applicant is indulged in dealing with land as broker and only bland statements are made to justify clever drafting. It has been further submitted that it has not been mentioned in the FIR that as to how the present applicant-accused used to demand money from him. It has been further submitted that no money trail is alleged in the FIR and only on the basis of statement of complainant and his well-wishers, the present applicant-accused is falsely implicated in the present offence. It has been further submitted that no preliminary inquiry was conducted prior to registration of FIR and no recovery of amount of Rs.40,00,000/- was affected from the present applicant-accused and even no proof of delivering such a huge amount is put forth by the complainant. It has been further submitted that an amount of Rs.20,00,000/- was delivered to the present applicant-accused without any threat or intimidation. It has been further submitted that recently one FIR was registered in Bhuvadi Village and the complainant is absconding in connection with that offence. It has been further submitted that none of the ingredients of provisions of Section 308(2) of BNS is satisfied against the present applicant-accused. It has been further submitted that the police officers raided the house of the present applicant-accused in connection with offences of claiming input tax

credit under GST and at that time, Rs.20,00,000/- were recovered by the police from the house of the present applicant-accused and only to justify the allegations of illegality in earlier FIR, the present FIR is registered and one after another, bogus cases are registered against the present applicant-accused. It has been also argued that no documentary evidence is available to corroborate with the testimony of the witnesses. It has been further submitted that apart from present offence, five other FIRs were also registered against the present applicant-accused. It has been further argued that some confidential papers relating to Gujarat Maritime Board were recovered from the house of the present applicant-accused along with Rs.20,00,000/- and the present applicant-accused was granted 10 days remand in connection with that offence. It has been further during the remand period, another FIR was registered against him with similar allegations, in which, he was ordered to be enlarged on anticipatory bail by Ld. City Sessions Judge vide order dated 25.11.2024 passed in Criminal Misc. Application No.8546 of 2024 in connection with one offence registered against him. It has been argued that the present applicant-accused is a journalist since last 22 years and prior to 07.10.2024, no offence was registered against him. It has been further submitted the complainant attended birthday celebration of son of the present applicant-accused and thereafter, this FIR was lodged after delay of six months. It has been also argued that the present applicant-

accused will abide by all the conditions imposed upon him. With these submissions, he has prayed to allow the present application.

4. On the contrary, Ld. PP for the State has vehemently opposed the present bail application on account of gravity and seriousness of the offence. He has also argued that investigation in relation to present offences is going on and one more accused person is yet to be arrested. He has further argued that during the investigation, the police has recorded the statement of witnesses, which establishes money trail in the present offence. He has further argued that criminal antecedents of the complainant does not in any manner lessen the allegations against the present applicant-accused. He has further argued that 07 offences are registered against the present applicant-accused and his is utmost required for carrying out free and fair investigation. With these submissions, he has prayed that present application may be rejected.
5. I have heard the learned Advocates and perused the entire case file carefully.
6. At the outset, it is worthwhile to mention here that the present applicant-accused is alleged to have threatened the complainant by publishing false articles in newspaper, thereby, defaming him in the society and also to book him in some false cases and, thereby, extorted Rs.40,00,000/- from the complainant. It is also worthwhile to mention here that the offence registered against the present applicant-accused carries maximum imprisonment up to 7 years

and and it is triable by the Court of Ld. Magistrate. It is pertinent to note here that the present applicant-accused is already in judicial custody since 27.11.2024 in connection with the offences registered under the GST Act and the present FIR was lodged on 23.01.2025. However, there is nothing on record to suggest that in order to carry out investigation in connection with the present offence, custody of the present applicant-accused was sought by the investigating agency through transfer warrant. So far as free and fair investigation is concerned, it can be done by imposing suitable conditions upon present applicant-accused. Hence, without going into the merits of the case and considering the allegations levelled against the present applicant-accused, this Court is of the considered opinion that present bail application deserves to be allowed and accordingly following final order is passed, in the interest of justice;

:- ORDER :-

- (1) The present Criminal Miscellaneous Application bearing No.315 of 2025 preferred by applicant-accused **Maheshdan Prabhudan Langa** for anticipatory bail in connection with crime registered in **Satellite Police Station** vide FIR bearing **C.R.No.11191042250022/2025** for the offences punishable under Section **308(2)** of the **BNS**, is hereby **allowed**.
- (2) The applicant(s)-accused shall remain present before the concerned I.O within 15 days upon his release on bail.

(3) In the event of his/her/their arrest, the applicant(s)-accused shall be released on bail by the concerned Investigating Officer on furnishing a surety bond(s) in sum of Rs.15,000/- (Fifteen Thousand Only) with one surety of like amount to the satisfaction of concerned Investigating Officer/in Charge of concerned Police Station on following conditions:

- (a) The applicant(s)-accused shall not in any manner try to influence the prosecution witnesses or act in any such manner which may be termed as prejudicial to the interest of prosecution;
- (b) The applicant(s)-accused shall furnish his/her/their precise and correct residential address to the I.O and/or learned Trial Court as the case may be before accepting his surety bonds. He/she shall also furnish new residential address, in the event of change in his/her/their address;
- (c) The applicant(s)-accused shall not leave the territory of India without prior permission of the learned Trial Court and shall deposit his Passport, if any, before the I.O., within seven days;
- (d) The applicant(s)-accused shall regularly remain present in the Court during trial;
- (e) The applicant(s)-accused shall cooperate the investigating officer in the investigation of the present case and shall also make himself/herself/themselves available for interrogation by the concerned police officer as and when required;
- (f) Apart from above the applicant(s)-accused shall be bound by all the terms and conditions mentioned in section 437(3) read with 438(2) of the Code of Criminal Procedure.

- Nothing observed hereinabove shall be taken as an expression of opinion at any later stage.
- Yadi be issued to the concerned Investigating Officer/Incharge of Police Station.

Signed and pronounced today i.e. on 11th day of February, 2025.

Date : 11.02.2025

Place: Ahmedabad

[Dipen Dilipkumar Buddhdev]

5th Additional Sessions Judge,
Ahmedabad (Rural) at Navrangpura.
UIC No.GJ00612.

