

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
ANTICIPATORY BAIL APPLICATION NO.7 OF 2015

Gautam Gulab Londhe & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Rupesh Atul Zode for Applicants.
Mrs. G.P. Mulekar, APP, for the Respondent State.

CORAM: P.D. KODE, J.

DATED: JANUARY 16, 2015.

PC:

1. By this application Applicants have renewed the prayer for anticipatory bail in connection with the crime No.162 of 2014 registered with Wadgaon-Nimbalkar Police Station, Pune, for the offences under sections 143, 147, 148, 149, 384 and 504 of the IPC r/w sections 3 (1) (5) and (10) of Prevention of Atrocities Act r/w. Section 7 (1) and (3) of Protection of Civil Rights Act.

2. Mr. Rupesh Zode, learned counsel for Applicants has submitted that second application for pre-arrest bail is maintainable in view of Applicants having now collected the caste validity certificate at exhibit on page No.25 regarding Gautam Londhe. It is submitted that in view of the said certificate allegations that Applicants committed the

offence under sections 31(5) and 31 (10) of Prevention of Atrocities Act does not survive. It is submitted that the allegations regarding extortions are vague and hence the prayer be considered.

3. Request is objected by learned APP by submitting that the certificate produced is regarding one of the Applicant only. It is further submitted that even leaving aside the accusation of having committed the offence under Atrocities Act, other matters contained in the FIR reveals a serious offence of extorting money to the tune of Rs.1,50,000/- and as such considering the facts and circumstances of the case custodial interrogation of Applicants would be necessary. It is submitted that the said extorted money is yet to be recovered for which custodial interrogation of Applicants is necessary.

4. Considering the relevant matters in FIR and the same revealing the claim of an amount of Rs.1,50,000/- being extorted from the person who has lawfully purchased the land from their neighbour it appear difficult to exercise discretion in favour of grant of pre-arrest bail. Needless to add that the amount extorted is yet to be recovered and recovery of the same would be extremely difficult without the investigating agency obtaining clue from the accused persons regarding the manner in which it was disposed off. Thus, apparently there are no merits in the prayer for pre-arrest bail.

5. The application stands rejected.

(P.D. KODE, J.)