

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.808 OF 2015
WITH
CRIMINAL APPLICATION NO.502 OF 2015**

Panditrao Tangnath Katad-Patil ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Nitin Sejpal a/w. Mrs. Pooja Sejpal, for the Applicant.

Mr. D.P. Adsule, APP for Respondent – State.

Mr. Aniket Nikam, for the Intervener in APPP No.502 of 2015.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 07, 2015

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 384 and 385 of the Indian Penal Code in C.R. No. 137 of 2015 registered with Sarkarwada police station, Nashik.

2. It is the case of the prosecution that the complainant Arjun Khetwani is a Developer and having business along with his

two partners. In the year 2013 he purchased total land of 187 Acres from the village Matori and he is in possession of the said lands. The applicant/accused has obtained the Power of Attorney from some of the owners of the lands and he filed Civil Suit Nos. 160 of 2014 and 161 of 2014 and obtained the stay for the further assignment and transfer of the land. The complainant thereafter met the original landlords who were paid by him. At that time, they informed him that though they have executed general Power of Attorney in favour of the applicant/accused, it was not for obtaining stay. Thereafter, they tried to compromise between them. At that time, the applicant/accused informed them that he has filed Civil Suits and he extorted Rs. 12 lacs from the complainant. However, the greed of the applicant/accused was not satisfied. He started demanding more money from the complainant. The complainant refused to pay. Further on 23rd February, 2015 again the applicant/accuseds contacted him along with co-accused Ramdas Pingle and Motiram Dheringe and on 20th March, 2015 threatened him that he would take *Morcha* of his villagers against the complainant. Again on 23rd March, 2015 similar threats were given and the villagers were also instigated against him. On the same day, the applicant/accused and the co-accused had a

meeting with the complainant and Amit Boraste, a partner of the complainant. At that time, the applicant/accused threatened them of defamation. So also he threatened them that there would not be transfer of land from the original landlords. Thereafter, on the same day on phone, he threatened similarly and demanded Rs. 1 Crore from them. It is the case of the complainant that the applicant/accused is a notorious person and a known criminal in the vicinity and therefore out of fear he did not give any complaint against him. Thereafter on 1st May, 2015 he decided to approach the police and gave information to police. Thereafter, the offence of extortion was registered against the applicant/accused.

3. The learned counsel for the applicant/accused has submitted that no money is parted with and the applicant/accused has not given any threats to the complainant. He submitted that the applicant/accused is ready to abide by the conditions, if any, imposed by the Court if pre arrest bail is granted. He submitted that the applicant/accused has acted as Power of Attorney holder on behalf of the original landlords and he has filed a Civil Suit on behalf of them as the transaction of the land was disputed.

4. The learned prosecutor opposed the application relying on the first information report. He submitted that there are antecedents against the applicant/accused. He is not to be bailed out.

5. The learned counsel for the complainant/Intervener vehemently opposed the application. He submitted that the applicant/accused has a peculiar *modus operandi* to extort money and he has extorted Rs. 12 lacs from the complainant. He has obtained Power of Attorney by misleading the villagers and to that effect the villagers had given the statements. He further submitted that out of the two Suits, the Civil Suit No. 161 of 2014 is compromised on 4th July, 2015 before the Court. He further submitted that there is evidence against the applicant showing that he is in fact demanded Rs. 1 Crore from the complainant. He submitted that as on today six cases are pending against the accused and 3-4 offences of forgery are pending against the applicant/accused. It is submitted that the applicant poses as an Activist in Nashik and in his village and he used to collect information under RTI Act for blackmailing the people. Therefore people are scared of him and they did not file the complaint.

6. Perused the documents which are produced. The contents of the complaint at this stage appears true and can not be doubted. It appears, there are cases pending against the applicant/accused. Out of two cases, one is of cheating and one is of forgery. Other two cases were filed by his wife. *Prima facie* the applicant/accused appears to be a notorious person. In the case of extortion, as soon as demand is made, the offence is complete. However, in the present case, out of Rs. 1 Crore, which was demanded on 23rd March, 2015 by the applicant/accused, no amount is parted with. Earlier the complainant has paid him Rs. 12 lacs but a new demand of Rs. 1 crore was made by the applicant/accused. In the present case, the applicant/accused has filed two Civil Suits as a Power of Attorney holder of the original landlords. As per the submission made by the learned counsel for the intervener, one suit is compromised and the second is pending. It appears that filing of the suit was used as a weapon of extortion as submitted by the learned counsel for the intervener. However, in the present case, though the statements of those landlords are taken into consideration, the landlords have not revoked their Power of Attorney issued in favour of the applicant/accused.

7. Under such circumstances, I am inclined to grant pre arrest bail on the following terms and conditions:

- a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P R. Bond in the sum of Rs. 30,000/- (Thirty Thousand) with one solvent surety in the like amount;
- b) The applicant/accused shall cooperate with the investigating officer and shall attend the Sarkarwada police station, Nashik twice in a week on every Wednesday and Saturday in between 10 am to 12 noon till filing of the charge sheet;
- c) The applicant/accused shall not reside or enter the jurisdiction of Nashik city and village Motori for a period of six months except the direction given by this Court for his attendance at Sarkarwada police station.
- d) The applicant/accused shall not indulge in any other criminal activity including extortion against the complainant and his partners;
- e) This order will come into effect from 9th July, 2015.

8. Anticipatory bail application stands disposed of on the above terms.

9. In view of the above, Criminal Application No. 502 of 2015 stands disposed of.

(MRS.MRIDULA BHATKAR, J.)