

Anand

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

BAIL APPLICATION NO.449 OF 2016

Parag Sumanlal Balad .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION NO.426 OF 2016**

Nilesh Ramchandra Sonavane .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Niteen Pradhan a/w. Ms Ameeta Kuttikrishnan i/b.
Ms Shubhada Khot, Advocate, for the Applicant in
B.A.No.449/2016

Mr.A.P.Mundargi, Senior Counsel a/w. Mr.Saurabh
Butala and Mr.Harshad Sathe, for the Applicant in
B.A.No.426 of 2016

Mr.D.P.Adsule, APP, for the Respondent – State in
both matters

CORAM : REVATI MOHITE DERE, J.

DATE : 11.03.2016

P.C.

. Heard Mr.Mundargi, learned Senior Counsel
for the Applicant in B.A.No.426 of 2016 and
Mr.Pradhan, learned counsel for the Applicant in

B.A.No.449 of 2016 and the learned APP for the Respondent – State.

2. By these Applications, the Applicants seek their enlargement on bail in connection with C.R.No.I-40 of 2016 registered with the Panvel City Police Station, Navi Mumbai, for the alleged offence punishable under Sections 364A, 384 r/w.34 of the Indian Penal Code.

3. According to the Complainant-Sachin Nandlal Sachdeo, he was running two restaurants by the name "New Punjab Family Restaurant & Bar" and "Angan Multi Cuisine Family Restaurant" for the last three years. He has stated that from March, 2015 renovation of 'New Punjab Family Restaurant & Bar' was going on and after obtaining the requisite permissions, the restaurant was started. He has stated that he knew the Applicant – Nilesh Sonavane in B.A.No.426 of 2016 as well as

the Applicant in B.A.No.449 of 2016, as he was the Youth President of a political party.

4. According to the Complainant, Nilesh Sonavane had published an article in the Weekly Newspaper, when the renovation of "New Punjab Family Restaurant & Bar" was on, that the same was being carried out unauthorizedly and without obtaining permission. Pursuant thereto, the Complainant met Nilesh Sonavane and asked him why he was defaming the restaurant. It is alleged that Nilesh Sonavane told him that he will continue to write about his restaurant. Thereafter, Nilesh Sonavane continued to write against the restaurant. It is further alleged that Nilesh Sonavane send some persons to meet him, who disclosed that Nilesh Sonavane would not publish the news defaming the restaurant. However, as the restaurant had all the permissions, the Complainant did not pay any heed. Thereafter, Nilesh Sonavane started making RTI

Applications seeking information regarding the hotel. It is stated that later even Parag Balad and Keval Mahadik started filing RTI Applications. When the Complainant met Parag Balad, he said that he would mediate between the two and demanded a sum of Rs.2,00,000/- to ensure that Nilesh Sonavane does not publish any news regarding his hotel. Later the amount settled was Rs.1,00,000/-. According to the Complainant, it was decided that he would handover the said amount to Nilesh Sonavane near the Panvel bridge. Accordingly, the Complainant carried the said amount of Rs.1,00,000/- after informing the police and a trap was laid. The Complainant went near the Panvel bridge, got down from the car and sat in Nilesh Sonavane's car and handed over the said amount to him. He has stated that Parag Balad was sitting next to Nilesh Sonavane in the car. After the amount was handed over, the Complainant signaled to the police. On realizing that a trap was laid, Nilesh Sonvane started the car, with the

Complainant in the car. The Complainant, thereafter, pulled the hand brake, as a result of which the car stopped and the police apprehended both the Applicants on the spot.

5. Learned Counsel for the Applicants state that considering the facts of the case as disclosed by the Complainant, no offence punishable under Section 364A of the Indian Penal Code is disclosed. He submitted that at the highest, it would be an offence punishable under Section 384 of the I.P.C., which is punishable with imprisonment for a term which may extend to three years or fine or both. He submitted that the Applicant has been in custody since 29.01.2016 and as such, considering the nature of allegations, the Applicant be enlarged on bail.

6. Learned APP opposed the Bail Applications. He submitted that the material shows that both the

Applicants had committed the offence of extortion.

7. Perused the papers. Prima facie, the application of Section 364A is doubtful. As far as the allegation of extortion is concerned, prima facie, there is material as against the Applicants. Section 384 of the I.P.C. is punishable with imprisonment upto three years or fine or both. The Applicants have been in custody since 29.01.2016.

8. Considering the peculiar facts of this case, the Applicants are entitled to be enlarged on bail on the following terms and conditions.

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount;

(ii) The applicants shall attend the Panvel City Police Station, Navi Mumbai on Friday & Saturday between 11:00 a.m. to 12:00 noon till

filing of the charge-sheet;

(iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

9. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

10. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)