

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

ANTICIPATORY BAIL APPLICATION NO. 511 OF 2016

Bajirao Vithal Desai	... Applicant.
Versus	
The State of Maharashtra	... Respondent.

**WITH
CRIMINAL APPLICATION NO. 407 OF 2016**

Tanaji Narayan Shendage	... Applicant.
Versus	
The State of Maharashtra	... Respondent.

Mr.Dnyaneshwar W. Bhosale for Applicant.
Ms.R.M.Gadhvi, Asst. Public Prosecutor for Respondent-State.
Mr.Yogesh S. Joshi i/b. Mr.Deven A. Jagdeo for Intervenor.
P.I. Mr.Audumbar B. Patil (Gadhinglaj Police Station, Kolhapur).

CORAM : A.M. BADAR, J.

DATED : 7TH JULY, 2016.

P.C. :

1] The applicant/accused in Crime No.25 of 2016 registered with Police Station Gadhingalaj for the offence punishable under Sections 392, 387, 386, 384, 383 and 120B of Indian Penal Code (IPC), by this application seeking pre-arrest bail.

2] Heard the learned Counsel appearing for the applicant/accused. He argued that the present applicant is a R.T.I. Activist and he has lodged a complaint against the informant with the Collector, Kolhapur pointing out misappropriation of Government Fund to the tune of Rs.43 Lacs by the informant. The learned Counsel further argued that because of complaint of the present applicant/accused, necessary action was taken and the informant/contractor was required to redeposit the amount with the State Government. The learned Counsel argued that because of this complaint to the Collector, the applicant is falsely involved in the crime in question.

3] I have also heard Ms.Gadhvi, learned Asst. Public Prosecutor. She argued that complicity of the applicant in the crime in question is *prima facie* established and offence is serious. The applicant is not entitled for pre-arrest bail.

4] Perused the papers of investigation including the First Information Report (FIR) lodged by informant Tanaji Shendage. The Informant alleged that he is a Government Contractor and had taken a contract of supply of drinking water under “Rashtriya Gramin Peyjal

Yojana” in the year 2012-2013 for supply of drinking water to Jambhulwadi. He further averred that present applicant Bajirao Desai had threatened him that if his approval is not taken then the work will not be started. It is further averred that the present applicant threatened the informant that a complaint would be lodged with the Government and the work will be stopped. With this threat an amount of Rs.5 Lac was sought to be extorted. The informant further averred that on 18th July, 2015, the applicant made a telephone call to him for demanding Rs.5 Lac. Then the applicant received that amount of Rs.3 Lac from the informant through one Vikas Patil. According to the informant necessary video recording of this incident was done. Then the informant further averred that again the present applicant had demanded Rs.2 Lac under threat that if the amount is not paid then profession of the informant will suffer setback. The informant further averred that thereafter co-accused Sunil Kaloji and Mahesh Fagare forcibly took a cheque of Rs.2 Lac from him on 27th November, 2015 and that cheque was encashed. The informant further averred that one cheque for an amount of Rs.5,000/- was again taken from him by co-accused Mahesh Fagare and the same is also encashed.

5] According to the learned Counsel for the applicant/accused co-accused are resident of different places and he has not at all concerned with co-accused. Perusal of the case diary shows that the Investigating Officer has recorded all statement of witnesses, who are alleging that there was demand of an amount by the present applicant from informant Shendage. The learned APP has argued that the video recording is sent for Forensic Examination. *Prima facie* as version of the informant is gaining corroboration from the statement of witnesses recorded by the Investigating Officer, at this stage it is not possible to record a finding that the applicant is falsely implicated in the crime in question, though, it is seen that the present applicant had lodged report against the present informer before the Collector, Kolhapur.

6] No case for anticipatory bail is made out. Hence, the anticipatory bail application is rejected.

7] In view of disposal of anticipatory bail application, nothing survive in the Criminal Application No.407 of 2016, hence same is disposed of.

(A.M. BADAR, J.)