

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1374 OF 2015

Shailesh Vasant Palkar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Purushottam G. Chavan for the Applicant.

Mr. J.H. Ramugade, APP for the Respondent -State.

Mr. Shyamrishi Pathak for the Intervener in APPP/840/2015

Mr. B.T. Mahajan, PSI, Poladpur Police Station, Raigad,
present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 9th FEBRUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant in apprehension of his arrest in Crime No.34 of 2015 registered at Poladpur Police Station, District- Raigad, for offences punishable under sections 384 and 385 of the IPC.

2. Heard the learned counsels for the Applicant and the Intervener and the learned APP for the Respondent-State.

3. The FIR prima facie indicates that some time in the year 2013 the Applicant herein had demanded sum of Rs.1 lakh from the

complainant under the threat that he would publish a news report about excavation of soil by the complainant in his property. The complainant had stated that in the month of June, 2013 he had paid a sum of Rs.25,000/- to the Applicant. The complainant had alleged that since about 5 to 6 months prior to lodging of the FIR the Applicant had been constantly demanding the balance amount and when he refused to pay, he had published some articles in the daily news paper "Dainik Pudhari". The complainant therefore, lodged the FIR, on 25.8.2015 for extortion against the Applicant. Pursuant to which, the aforesaid crime came to be registered.

4. The FIR prima facie reveals that the initial demand was made in the year 2013. The complainant had not lodged any complaint against the Applicant in the year 2013. Even otherwise the offence is punishable maximum for a period of three years. The nature of the allegations do not justify custodial interrogation. The Applicant is a permanent resident of Raigad and there is no possibility of the Applicant absconding.

5. Considering the above facts and circumstances the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.34 of 2015 registered at Poladpur Police Station, District- Raigad, the Applicant shall be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand only) with one surety to the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Mahad.
- (ii) The Applicant shall report to the Investigating Officer for a period of four days from 10.00 a.m. to 1.00 p.m. from the date of receipt of the order.
- (iii) The Applicant shall not interfere with the complainant or the witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)