

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

BAIL APPLICATION NO.177 OF 2017

Prashant alias Guruprasad Vitthal Kulkarni Applicant

versus

State of Maharashtra ... Respondent

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- Mr.Anant Vadgaonkar, Advocate for the Applicant.
- Ms.Sharmila S. Kaushik, APP for the State/Respondent.
- API – Mr.S.R. Kulkarni, Pandharpur City Police Station.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 14th MARCH, 2017.**

P.C. :

1. This is an application under section 439 of Cr.P.C. moved for bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 342, 365, 384, 386, 506 r/w 34 of the Indian Penal Code in C.R.No.587/16 of Pandharpur Police Station, District-Solapur. The offence is registered at the instance of one Dr.Atul Vilas Havale on 05/09/2016.

2. It is the case of prosecution that on 04/09/2019 in the evening in one car four persons arrived in his dispensary. One of them represented that he is a journalist and they took him inside and told him that they wanted to ask him some questions in respect of death of one old woman namely Dhale and they also made allegations on him that old woman died 2-3 month back due to negligence of the complainant. They alleged that the complainant had injected her wrong medicine and which laid to her death and thereafter they wanted to enquire about the same and they called one Sunil Borade to whom the room was let out by the complainant. Then those persons made a video recording of what he was talking. Then they took his photographs with medicines which were expired and they demanded Rs.20,00,000/- as a bribe to hush up the matter. The complainant was scared and he agreed to pay some amount. They forced him to give bearer check of Rs.5,00,000/- dated 05/09/2016 of Rs.5,00,000/- in the name of Deepak Uttam Thorat of ICICI Bank and they demanded Rs.1,00,000/- cash. So complainant called his wife telephonically and when she arrived,

the complainant narrated her the incident and asked her to make arrangement of Rs.1,00,000/-. At that time, applicant/accused and other accused took the complainant in the car and told his wife that they would not relieve him till they receive Rs.1,00,000/-. She thereafter gave information to police. Police laid trap and applicant/accused alongwith co-accused were arrested red handed on 05/09/2016 at 06.00 a.m. Hence this bail application.

3. The learned counsel for the applicant/accused submitted that the applicant/accused was arrested on the spot. However, he has not played any important role. He submitted that cheque of Rs.5,00,000/- was given to one Deepak Uttam Thorat. He further submitted that no money was actually parted with and there are no criminal antecedents against the applicant/accused and therefore he be given bail.

4. The learned prosecutor opposed bail application. She submitted that there is sufficient evidence against the

applicant/accused that he has committed offence of extortion alongwith other accused. She further submitted that the applicant/accused has misrepresented the complainant that he was working as journalist. She relied on the statement of editor of a magazine where he was earlier working. She submitted that though the amount is not parted with, the offence of extortion is completed and therefore he is not to be granted bail.

5. On perusal of the FIR and the statement and arrest panchanama dated 05/09/2016. It shows that the applicant/accused was arrested on the spot. He was apparently involved in the crime. The charge-sheet is filed. The complainant was not assaulted, though he was threatened and the cheque is recovered. As the wife of the complainant was vigilant to approach the police, the applicant/accused and other persons were caught red handed. The applicant/accused is in prison since last six months. He does not have criminal antecedents. Considering this factors, I grant bail to applicant/accused on following terms and conditions :

ORDER

- (i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant/accused shall attend all the Court dates without fail.
- (iii) The applicant/accused shall not tamper with the evidence or pressurize the complainant.
- (iv) The applicant/accused shall not engage in any criminal activity, especially offence pertaining to the property.
- (v) The applicant/accused shall not keep any contact with the co-accused.
- (vi) The applicant/accused shall not leave India, without prior permission of the Court.

6. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)