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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1360 OF 2017

Sandeep Ramchandra Gadre ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Aniket Nikam i/b. Mr.Aashish Satpute for the Applicant.

Mr.A.P. Palkar, APP for the Respondent-State.

Mr.Mateen Shaikh for original complainant.

CORAM : T.V.NALAWADE, J.

DATED : 9 AUGUST 2017

P.C.:-

This application is filed seeking anticipatory bail in crime No.365/2017 registered with Hadapsar police station, Pune for the offence punishable under sections 306, 384, 387 read with 34 of the IPC. Both the sides are heard.

2. The F.I.R. and other papers of investigation show that deceased Sudhir Tupe was the father of Swapnil Tupe. Against him

Criminal Case No.268/2015 was filed by the police and it was pending before the the Lashkar Court for offence punishable under sections 141, 143, 145, 147, 323, 384, 387, 504 read with 34 of the IPC. The first informant Datta Devkar was demanding money for settling the dispute involved in that case. Ganesh Gajre was a co-accused in that case. In the year 2016, deceased had given Rs.10 lakhs to co-accused Ganesh Gajre for handing over the same to Datta Devkar and for settling the matter. The matter was not settled.

3. Even after giving the aforesaid amount, the present Applicant Sandip Gadre, Ganesh Gajre and Datta Devkar used to visit their house to make demand of more amount and they made a demand of Rs.15 lakh for withdrawing the case. On 26 December, 2016, one document was written in connection with the said case and it was signed by Datta Devkar, Ganesh Gajre and deceased. The deceased had to pay Rs.15 lakhs and this amount was given by cheque. Admittedly, this cheque was encashed in the account of present Applicant Sandip Gadre. Sandeep Gadre had signed the said agreement as a witness. Even after getting this amount, there was

harassment to deceased from these persons. Due to the harassment, deceased was frustrated and he used to express about the harassment which he was facing from these three persons. On 4 April 2017, in the night time, deceased consumed poison and when he was not feeling well, he contacted the first informant Swapnil on phone and called him near parking place. Swapnil noticed that deceased was already on the driver's seat of the car and was vomiting. Deceased was shifted to the hospital. Two bottles of poison were also recovered from the spot. On 5 April 2017 in the morning, Sudhir died due to poisoning. In the F.I.R. Swapnil has alleged that the accused were asking for Rs.10 lakh more. The copy of the aforesaid document is produced on record and it is not disputed that the said amount was lying in the account of the present Applicant. The accounts extract in this regard is produced.

4. Learned counsel for the Applicant submitted that the Applicant was involved in the matter only as a mediator and so he is entitled to get the relief. This submission is not at all acceptable. There is specific allegation against the Applicant. It was an illegal

transaction and it can be said that these persons were blackmailing the deceased. The amount was actually extracted by them from the deceased but they kept harassing him even after receiving substantial amount. Due to this circumstances, this Court holds that protection of anticipatory bail cannot be granted to the present Applicant. In the result, the application is rejected. Ad-interim bail granted earlier stands vacated.

(T.V.NALAWADE, J.)