

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

ANTICIPATORY BAIL APPLICATION NO.199 OF 2018

1 Shakuntala Prakash Kambire
2 Shilpa Balu Jadhav
3 Kalpana Dinkar Chavan Applicants

Vs.

The State of Maharashtra Respondent

Mr. Kuldeep U. Nikam for the Applicants.
Mrs. Veera Shinde, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 1st February, 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No. 22 of 2018, registered at Karad City Police Station, on 7th January 2018 for the offence punishable under Section 384 read with 34 Indian Penal Code. The applicants happen to be members of Bhumata Brigade.

3 It is the case of the prosecution that on 28th December 2017, Madhuri Prakash Sontakke had addressed a letter to Bhumata Brigade and had informed that she was in relationship with the first informant i.e. Ashok Baburao Patil for the past five years. A discordant note had struck between them, she had lodged a report under Section 376 Indian Penal Code. He was protected by way of anticipatory bail. Thereafter, by consent they had filed a petition seeking the relief of quashing the F.I.R.. That he had induced her to file an affidavit for withdrawing the case and hence, said proceedings were quashed. That he did not wish to keep any contact with her and therefore was evading to meet her or receive her calls and is troubling her with the help of his daughter. That she does not wish to live any more. Upon receiving the said application, the members of Bhumata Brigade had jumped into action. They had gone to his shop and his house and had threatened him that he should meet her every week and if he does not meet her, they would get a women morcha/rally on his house. They had threatened him that they would ruin his family life. They had also threatened him that he could not get away with a paltry amount. On the same day, another member of Bhumata Brigade, Madhuri had called upon him and asked him to meet her or else Madhuri would commit suicide and he would be implicated. Being harassed by the said incident, he had consumed insecticide. He was admitted in Dinanath Mangeshkar Hospital, Pune

after regaining consciousness on 3rd January 2018. That they were demanding money and insisting upon him to meet her.

4 Learned counsel for the applicants submits that the applicants had no intention of extorting any money, but they had gone to the house of the complainant only in support of Madhuri. It is submitted that applicant no.1 is a senior citizen and therefore she should be protected. As against this, the learned APP submits being a senior citizen, it was incumbent upon applicant no.1 to take control of the situation and guide the other members properly. The applicants claim to be social workers. However, the cause, which they had taken up on 28th December 2017 was not a noble cause. That the first information report was quashed. In fact the so-called victim, Madhuri had earlier approached the police station, she had approached the Courts of law and after the proceedings were closed, she had approached Bhumata Brigade, as if it is a parallel system for wrecking vengeance. Certainly this was not a noble cause. The complainant was exposed to social obloquy because of the act of the present applicants, so much so that he had consumed insecticide and was unconscious for more than five days. In the facts of the case, the applicants do not deserve discretionary relief under Section 438 Cr.P.C. In fact, this Court had asked the learned counsel for the applicants as to whether the applicants would surrender before the Court of Magistrate, when their applications could be considered

with the aid of Section 437 Cr.PC. However, the learned counsel insists that the applicants deserve the discretionary relief under Section 438 Cr.PC.

5 Taking into consideration the act of the applicants and the facts of the case, this Court is not inclined to grant pre-arrest bail in favour of the applicants. However, their application under Section 437 Cr.PC may be considered on its own merits. In the eventuality that they would surrender before the Court of Magistrate, the learned Magistrate shall not be influenced by the observations.

(Smt. Sadhana S. Jadhav, J)