

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

ANTICIPATORY BAIL APPLICATION NO.449 OF 2018

Mrs. Madhuri @ Sangeeta Dhondiram Tonpe	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Pravin U. Gaikwad for the Applicant.
Mr. Rajan Salvi, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 27th AUGUST, 2018.

P.C.:-

This is an application for anticipatory bail filed by the aforesaid Applicant apprehending her arrest in Crime No.22 of 2018 registered with Karad City Police Station, District-Satara, for the offence punishable under Section 384 r/w 34 of the IPC.

2. The records reveal that on 14th August, 2018 the learned counsel for the Applicant after arguing the matter at length had sought time to take instructions in respect of withdrawal of the application. Since he could not contact the Applicant, the matter was adjourned to 20th August, 2018. On the said date the learned counsel for the Applicant once again sought time to take instructions for withdrawal.

Today when the matter was called out he makes a statement that the Applicant is not willing to withdraw the application. Hence, the matter is heard on merits.

3. Heard Mr. Pravin Gaikwad, the learned counsel for the Applicant and Mr. Rajan Salvi, the learned APP for the Respondent-State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The aforesaid FIR was registered pursuant to the report lodged by Ashok Baburao Patil. A perusal of the FIR prima facie reveals that since November, 2014 he was in relation with one Madhuri Sontakke. Subsequently, the first informant stopped meeting her. As a result of which said Madhuri Sontakke threatened to implicate him in false cases. The first informant had reported this to the Karad Police Station and after the intervention of the police said Madhuri Sontakke had stopped threatening him for some while. However, from February-2017 she once again started insisting that he should continue having relationship with him, failing which she would implicate him in cases under Atrocities Act. There are allegations that said Sontakke also demanded a flat and Rs.10,00,000/- from the first

informant. On 8th May, 2017 she phoned the first informant about 84 times demanding a flat as well as cash of Rs.10,00,000/-. Subsequently, on 3rd June, 2017 he learnt that crime was registered against him for rape and under the provisions of Atrocities Act. His bail application was rejected before the Sessions Court and by filing proceedings before the High Court, they settled the matter. He claims that he had paid Madhuri Sontakke sum of Rs.7,15,000/- by way of cheque. In October-2017 she once again started threatening him. Since the first informant did not respond to such threats she contacted members of the Bhumata Brigade. The Applicant is one of the members of the said Brigade. It is alleged that the Applicant with other members of the said Brigade has also started harassing the first informant. They insisted that he should meet said Madhuri Sontakke. They also threatened to destroy his family life and told him that he could not have settled the matter in such a meager amount. The FIR prima facie indicates that the Applicant and the other members of the Bhumata Brigade were pressurising him to pay more money to said Madhuri Sontakke, who had settled the matter on receiving amount of Rs.7,15,000/-. The Applicant and other members also told the first informant that in case he does not meet their demands and does not meet said Madhuri Sontakke, she would consume poison and commit

suicide and that he will be held responsible for her death. The records prima facie reveal that the first informant, who was subject to mental torture, had consumed pesticide on 28th December, 2017. He was hospitalised at Dinanath Mangeshkar Hospital, Pune and regained consciousness on 3rd January, 2018 and thereafter he lodged the first information report on 7th January, 2018.

5. The FIR prima facie indicates that the Applicant was involved in the alleged crime. The first informant was pressurised and coerced to meet the demands of Madhuri Sontakke to such an extent that he was driven to commit suicide. Considering the nature of the allegations, in my considered view this is not a fit case for grant of anticipatory bail. Under the circumstances and in view of discussion supra, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

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by Megha
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