

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.995 OF 2018
Shashikant Hanman Karpe vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sushan Kunjuraman for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent-State.
Mr. Vivek Sonawane, Pl. from Virar Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 12th June, 2018

P.C.

1. This is an application under Section 438 of the Code of Criminal procedure for pre-arrest bail in CR No.446/2018 dated 13.4.2018 registered with Virar Police Station, Palghar under Section-384, 386 read with 34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the record
3. The first information report is lodged by Shri. Shailesh Vijay Patil. It is stated that in furtherance of the call given by the Superintendent of Police, Palghar the present complaint i.e. first information report has been lodged against the applicant. It is

stated that the first informant developed the property bearing Survey Nos. 156/2/1, 156/2/2, 157/11 and 359/2 at Virar (E) and constructed buildings thereon, That, the accused No.1 Shri. Dhananjay Gawade thereafter lodged a complaint with the Vasai Virar Municipal Corporation and by using the said complaint as a tool for extortion, in fact, extorted a total amount of Rs.50,00,000/- from the first informant. It is stated that, a sum of Rs.10,00,000/- was handed over to the applicant for onward transmission to Shri. Dhananjay Gawade. The first information report further states that, the applicant is the associate of said Shri. Dhananjay Gawade and both the accused persons have extorted said sum of Rs.50,00,000/- from January 2016 to April 2016 under the threat of not taking the cognizance of the complaint lodged by Shri. Dhananjay Gawade to its logical end.

4. The record of investigation clearly indicates that, the applicant acted as an conduit between the principal accused Shri. Dhananjay Gawade and the victim Shri. Swapnil Patil and accepted the said sum of Rs.10,00,000/- on behalf of Shri. Dhananjay Gawade. Apart from the said fact, the record further indicates that the applicant on certain occasions accompanied

Shri. Dhananjay Gawade to the place of victim. It appears to me that, the modus operandi adopted by the applicant and the principal accused is a sophisticated way of extortion by using Government machinery and by lodging complaints against the applicant.

5. After perusing the record, it appears to this Court that the complicity of the applicant in the present crime is apparent. The police are yet to recover the amount from the applicant and the same is not possible without there being custodial interrogation of the applicant. The police are further to ascertain the fact that, if there are any other persons along with the principal accused Shri. Dhananjay Gawade.

6. After taking into consideration the material available on record, serious allegations against the applicant and the gravity of the offence, this Court is of the view that, the applicant does not deserve to be protected by pre-arrest bail.

7. Application is accordingly rejected.

(A.S.GADKARI, J.)