

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2018 OF 2019

Sachin Dinkar Sable] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Prashant M. Patil, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

Mr. Ranjeet Sangle, Advocate for the Intervener.

Mr. S.D. Latne, PC 2464 attached to Baramati City Police Station present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 18th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.600/2019 registered with Baramati City Police Station, Pune Rural on 01/09/2019 u/sec.385, 387, 504, 506 r/w 34 of I.P.C.

2. The FIR is lodged by one Bhagwan Choudhari. He has stated in his FIR that, he was in the business of construction. He was developing a plot at Survey No. 31/5/B and 8/2 near S.T. Stand, Indapur Road, Baramati. He had applied for commercial construction

on the said plot. He got permission by the Town Planning Department of the Municipal Corporation. When he started constructing the compound wall, the applicant sent some ladies who abused the informant. When the informant confronted the applicant about it, the applicant in turn threatened him that, his plans would not sanctioned. It is further mentioned that, on 25/08/2019, one Ashwin Sable approached him and told him that, the applicant and one Ganesh Sonawane had called the informant behind Kavivarya Moropant Hall. The informant and his cousin Ganesh Oamase went there at 10.30 p.m. It is further alleged that, the applicant demanded Rs.10 Lakhs to close the chapter of sanction of plan. They threatened that, if the money was not paid, his plans would not be sanctioned. It is further alleged that, the applicant further issued threats of lodging false complaint under the Atrocities Act and for outraging modesty of women. It is further alleged that, the applicant come towards him aggressively. The informant and his cousin went away from there and subsequently lodged the FIR. The FIR was registered on 01/09/2019. Before that he had given his complaint in the police station on 29/08/2019.

3. Heard Mr. Prashant M. Patil, Ld. Counsel for the Applicant, Mr.S.H. Yadav, Ld. APP for the State/Respondent and Mr. Ranjeet Sangle, Ld. Counsel for the Intervener.

4. Ld. Counsel for the applicant submitted that, the applicant is falsely implicated because of the previous dispute of the applicant with the residents who were affected by the informant's non co-operative approach. The informant had blocked their access road. Ld. Counsel for the applicant relied on the letter dated 11/01/2019 addressed to the Chief Officer of the Baramati Municipal Council. This letter was signed by the applicant and others. In the letter, it was mentioned that, the informant had blocked the access road. The applicant had expressed his intention to start an agitation. Ld. Counsel therefore submitted that because of the applicant, the informant was not able to carry on with his illegal development activities and therefore, the applicant is falsely implicated.

5. Ld. Counsel for the Intervener on the other hand submitted that, the applicant is constantly harassing him. The informant has all the permissions required to carry out the construction. Only his amended plans are yet to be sanctioned. The applicant was demanding money

for removing the obstacles in obtaining sanction. He submitted that, the offence is clearly made out in the FIR.

6. Ld. APP submitted that, supplementary statement of the first informant is recorded wherein the informant had stated that, the applicant had obtained Rs.50,000/- from him. He therefore submitted that, the applicant's custody is necessary considering the gravity of the offence.

7. Ld. Counsel for the applicant has rightly relied on the letter dated 11/01/2019. The letter reveals the nature of dispute between the applicant and the informant. The applicant had put his objections on record by approaching the Chief Officer. The applicant himself could not be responsible for passing or cancellation of any development plan.

8. The allegations in the FIR are in respect of the threats issued when only the informant and his cousin were present. Therefore, at this stage, it is the word of the informant against that of the applicant. The custodial interrogation of the applicant will not serve any purpose and will not help the investigating agency to collect any further

evidence in respect of the allegations. In this view of the matter, there is a possibility that, the applicant is implicated falsely because of the previous dispute. However, this fact will have to be decided during the trial. In this view of the matter, custodial interrogation of the applicant may not be justified and he deserves protection of anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.600/2019 registered with Baramati City Police Station, Pune Rural, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)