IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1076 OF 2021

Arvind s/o Lakshmikant Jawalgekar ... **Applicant**
Age 40 years, Occu: Business
Plot No.11 Gut No.100, Satara Parisar,
Aurangabad, Dist. Aurangabad

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Inspector,
Jawaharnagar Police Station,
Aurangabad

Mr. A. B. Girase, Advocate for the applicant,
Mr. A. V. Deshmukh, A.P.P. for the State.
Mr. Satej S. Jadhav, Advocate assists to PP.

CORAM : PRAKASH D. NAIK, J.
DATE : 22nd October, 2021

ORDER:

1. First information report was registered vide Cime No. 281/2021 with Jawaharnagar Police Station, Aurangabad for the offences punishable under Sections 419, 420, 384, 506, 34 of the Indian Penal Code on 26th August, 2021.

2. According to the complainant, he is builder by profession. On 7th August, 2021 he received a call from Sanjay Parakh, who is an estate agent, informing him that complaint has been filed against him with the Income Tax Department for evading income tax. He also stated that his friend is working in Income Tax Department and gave his name

as Arvind Jawalgekar (applicant). He further stated that the case relating to evasion of tax by the complainant is with the applicant and if the said case is to be resolved, the complainant should meet the applicant. On 16th August, 2021, the complainant met Sanjay Parakh at Beed Bypass road. He was taken to Hotel Basu by Sanjay Parakh. Two other persons were sitting in the hotel. Sanjay Parakh introduced the complainant with the applicant as Income Tax Officer and another person Mahesh Chaudhari as his personal assistant. Arvind Jawalgekar informed the complainant that the complaint relates to evasion of income tax and the amount involved is about Rs. 1.5 to 2 crores. The complainant was shocked by receipt of such information. As there were no transactions of such huge amount, the complainant suspected the conduct of the accused. The applicant informed him that the case can be resolved outside the office and for that he will have to pay Rs.60 lakhs. He was also threatened that in the event he does not part with the amount, he would be implicated in the case relating of suicide committed by D.K. Patil. Complainant was told to deposit the amount within two days. On 11th August, 2021, the complainant was called by Sanjay Parakh. The conversation between them has been recorded by him. As per the conversation, there was demand of Rs.45 lakhs. The amount was reduced to Rs.40 lakhs. The complainant was told to part with the amount by 11.00 a.m. on the next day. The complainant suspected the conduct of the accused. Hence the first information report was registered.

3. Learned Advocate for the applicant submitted that the entire FIR is false and fabricated. The allegations therein are improbable. No amount was transferred to the accused. There is delay in lodging the FIR. It was lodged after about 15 days from the date of incident. The allegations are vague. Although the incident is of 10.08.2021, the FIR was registered on 26.08.2021. There is no explanation for the delay in lodging the FIR. There is dispute between the complainant and the family of Dnyandeo Patil. The applicant was acting as mediator to resolve the dispute. With a view to deprive the family members of Dnyandeo Patil their share in profit and dues, the FIR has been registered by the complainant. There is civil dispute between the family of Dnyandeo Patil and the complainant in respect of share in profit from business. Family members of Dnyandeo Patil had repeatedly requested the complainant to settle the dispute by making necessary payment. The family of Dnyandeo Patil had given power of attorney to the applicant and Mahesh Chaudhari to initiate necessary legal action on their behalf. Notices were issued by the family members of Dnyandeo Patil calling upon production of books of account and details of business transaction which was refused by the complainant. Complaints were made to GST Department. The complainant had realized that the family of Dnyandeo Patil is initiating legal proceedings against him, he tried to threaten them by sending some persons to stop the legal action being initiated against him. Complaints were made to the police about threats extended at the behest of the complainant. The complainant had

promised to pay Rs.45 lakhs to the family members of Dnyandeo Patil but failed to do so. The complainant has tried to save himself from clutches of legal proceedings and first approached media after 15 days from the date of alleged incident and concocted the false story of ransom. The applicant is not having criminal antecedents. The FIR is the outcome of civil dispute between the family members of Dnyandeo Patil and the complainant. No specific role has been ascribed to the applicant. There is nothing to be recovered from the applicant. Custodial interrogation of the applicant is not necessary.

4. Learned A.P.P. submitted that the offence is of serious nature. Custodial interrogation of the applicant is necessary. The accused were involved in extortion. The accused intimidated the complainant to part with huge amount. The recorded conversation supports the version of the complainant that there was demand of amount/ransom by the applicant. Specific role has been attributed to the applicant. The applicant has introduced himself as Income Tax Officer. Conversation has been recorded. CCTV footage of meeting at Hotel has been seized.

5. Learned Advocate for the complainant supported the submissions of learned A.P.P. It is submitted that the offence is of serious nature, Version of the informant is supported by audio recording of conversation. The accused were involved in extortion. There are witnesses to the incident. The accused tried to extort huge amount from

the complainant. The applicant is not connected with the dispute relating to the property between the parties.

6. I have perused the FIR and investigation papers. The alleged incident had occurred on 07.08.2021. The FIR has been registered on 26.08.2021. It appears that there is dispute between the family members of Dnyandeo Patil and the complainant. The allegations appearing in the FIR are that Sanjay Parakh had informed the complainant about the case relating to evasion of income tax and that the applicant had pretended himself to be income tax officer and demanded the amount for settling the dispute appear to be doubtful. The applicant has pointed out the deed of partnership firm M/s G.P. Developers executed between the complainant and Amol Dnyandeo Patil. According to the applicant, the complainant was entrusted with day to day activities of the partnership firm. The firm had constructed building. The complainant had not shown books of account and the payments received from the sale proceeds of flats. The family of Dnyandeo Patil suffered loss and due to financial reasons, Dnyandeo Patil had committed suicide. Crime No.194/2019 was registered with Jawaharnagar Police station. The complainant was requested to furnish details of account of business transactions and pay the share of profit. The complainant did not fulfill the demand. Mahesh Chaudhari is maternal brother of Dnyandeo Patil. He is neighbour of the applicant. The applicant had advised them to approach legal advisor to initiate

action against the complainant. Power of attorney was executed by Dnyandeo Patil in favour of the applicant and Mahesh Chaudhari for conducting proceedings in the nature of civil and criminal and recovery matters. The power of attorney has been annexed to this application. Wife of Dnyandeo Patil had forwarded a letter to the firm and complainant calling for account details. Daughter-in-law of Dnyandeo Patil had also made a complaint to GST Commissioner about false returns filed by the complainant. The family of Dnyandeo Patil had lodged complaint about threats issued to them on 10.08.2021. The complainant had refused to supply documents. On 30th July, 2021, Sanjay Parakh approached the applicant and stated that he should talk to the complainant for resolving the dispute. It was decided to meet the complainant. The applicant was requested to convey the message that if the complainant agrees to pay the amount in lieu of their share they would not initiate any legal action against him and hence the message was conveyed to the complainant and the complainant had assured to pay amount of Rs.45 lakhs within two days. However the complainant approached social media and alleged that there was demand of ransom by the applicant. The complainant approached television media and after the news was flashed on television had approached the police for registration of crime on 26.08.2021. Family members of Dnyandeo Patil had also lodged complaints with the police. Apparently there is dispute between the family of Dnyandeo Patil and complainant in respect of share of profit of the business. Sanjay Parakh and Mahesh Chaudhari were arrested.

7. Having perused the documents on record, the claim of the complainant prima facie appears to be doubtful. The amount was not parted to accused. The applicant need not be subjected to custodial interrogation. Hence, I pass the following order :-

O R D E R

i. Anticipatory Bail Application No. 1076 of 2021 is allowed.

ii. In the event of arrest of the applicant in connection with Crime No. 281 of 2021 registered with Jawahar Nagar Police Station, Dist. Aurangabad , the applicant be enlarged on bail on furnishing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

iii. The applicant shall appear before the I.O. on 27th, 28th, 29th of October, 2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called by the I.O. till filing of charge sheet.

iv. The application stands disposed of.

(PRAKASH D. NAIK, J.)

JPC