

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1313 OF 2021

Jayshree Rajendra Dabhade @ Salunke **...Applicant.**

Versus

The State of Maharashtra **....Respondent.**

...

Mr. H.F. Pawar, Advocate for applicant.

Mr. A.S. Shinde, APP for respondent/State.

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WITH

ANTICIPATORY BAIL APPLICATION NO. 1401 OF 2021

Jitendra Vishwasrao Patil **...Applicant.**

Versus

The State of Maharashtra **....Respondent.**

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Mr. N.L. Choudhari, Advocate for applicant.

Mr. A.S. Shinde, APP for respondent/State.

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CORAM : PRAKASH D. NAIK, J.

DATED : 20/12/2021.

ORDER :

. The applicants apprehend arrest in Crime No. 437/2021 registered with Amalner Police Station, District Jalgaon for offences under sections 385, 387, 341, 342, 506 r/w. 34 of Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'FIR') was lodged

on 9th of October, 2021 by Imran Fazal Hak Ansari. It is alleged that the complainant is working as a driver with Mahesh Wani on his vehicle bearing No. MH-18/BG-0745. On 8th of October, 2021 the truck was loaded with rice and the complainant proceeded towards Rohit Trading. At about 4.45 p.m. six persons came on motorcycle and stopped the vehicle. They snatched the key and cell-phone of the complainant and threatened him. One lady came to the spot. They claimed to be journalists and questioned the complainant about the contents of vehicle. They demanded *Hafta*. The complainant spoke to the owner of vehicle and called him at the spot. Two of them told the driver to take the vehicle towards Dhule. It was stopped at Lodhawa Phata. The complainant again called his owner. He came to the spot. The lady accompanying the other persons introduced herself as journalist. The accused demanded *Hafta*. Rs.1,00,000/- was demanded for releasing the vehicle and Rs.5,000/- for every month. The complainant managed to reach the police station when the vehicle was intercepted and the owner was present at the spot. The police came to the spot. The accused disappeared. While demanding *Hafta*, the complainant was threatened that he would be killed.

3. The applicants preferred applications for anticipatory bail before the Court of Sessions. The application of applicant in ABA

No.1313/2021 was rejected by the Court of Additional Sessions Judge, Amalner vide order dated 25.10.2021 whereas the application preferred by the applicant in ABA No. 1401/2021 was rejected on 11.11.2021.

4. While rejecting the application preferred by the applicant in ABA No. 1313/2021, it was observed that the Tahsildar and the police authorities had looked into the aspect whether there was any illegality in respect to Rise found in the truck. There are grounds to believe that the applicant and others without authority restrained the informant/driver and his vehicle. They compelled him to change his direction and to bring the vehicle at Amalner. The offence was committed under the leadership of the applicant. Custodial interrogation is necessary for effective interrogation. The applicant has criminal antecedents.

5. While rejecting the application preferred by the applicant in ABA No.1401/2021, similar observations are made by the Court.

6. Learned advocate for applicant in ABA No. 1313/2021 submitted that the applicant has been falsely implicated in this case. She is the social activist, professor and journalist at Amalner. She is promoting human rights and works on variety of political issues and

social issues that affects triable people, farmers etc. She has worked for upliftment of *Adiwasis*. She is the editor of news portal '*Thos Prahar*'. She has fought against the corruption. She has received awards for her service. She is willing to cooperate with investigation. Her custodial interrogation is not necessary. She has been falsely implicated on account of vengeance. There is no direct or indirect evidence against her. The offence under section 387 of IPC is not made out and the offence under section 385 of IPC is bailable. There is delay in lodging the FIR. The truck containing rice bags was not seized by the police.

7. Learned advocate for the applicant in ABA No. 1401/2021 submitted that the applicant has been falsely implicated in this case. He is not named in the FIR. He is working as a teacher in junior college. Anticipatory bail was granted to co-accused and regular bail was granted to another accused. The offence under section 387 is not made out. His custodial interrogation is not necessary.

8. Learned APP submitted that the allegations are of serious nature. The accused had issued threats that the complainant would be killed by throwing him under vehicle. There was demand of *Hafta* for every month. There was demand of money for releasing the truck.

There is evidence to show the presence of the applicants at the place of incident. CCTV footage was recovered from the place of incident which shows presence of the applicants at the spot of incident. The applicants are issuing threats through social media. The applicant in ABA No.1313/2021 has criminal antecedents. She is involved in three other cases. The investigation reveals the involvement of both the applicants. The accused had no authority to intercept the vehicle. Statement of owner of the vehicle shows the involvement of the applicants. CCTV footage shows the presence of the applicants at the scene of offence.

9. I have perused the documents annexed to the applications and the investigation papers. There was no reason for the applicants to be at the place of incident. The first informant and the owner of the vehicle has spelt out in detail the incident. CCTV footage was recovered. Panchanama has been prepared in that regard which shows the presence of seven persons and the applicant in ABA No.1313/2021. The applicant in ABA No. 1313/2021 was named in the FIR. CCTV footage shows the presence of said applicant as well as the applicant in ABA No.1401/2021 at the spot of incident. In the applications for anticipatory bail preferred before the Sessions Court as well as this Court, the applicants had denied the incident and claimed

that they have been falsely implicated in this case. There is no justification for their presence at the scene of offence. They have not explained why they were present at the spot. The applicant in ABA No.1313/2021 has criminal antecedents. According to the prosecution, three other cases are registered against her. C.R. No. 326/2019 was registered against her under sections 353, 143 of IPC. C.R. No. 454/2019 was registered under sections 327, 323, 504, 506 of IPC on 30.12.2019 against co-accused – Ganesh Machindra Chavan. C.R. No. 141/2020 was registered with Marwad Police Station on 18th July 2020 for burning the motorcycle of complainant therein against the accused.

10. According to the prosecution, after granting interim relief, the applicant in ABA No.1313/2021 has created terror in the city of Amalner. It is alleged that she has utilized the news portal and Facebook, Whats-app status for creating terror. On 3.11.2021 she has put up the post on Facebook stating that after Diwali six dogs would be dealt with and amongst them, three are journalists, one is contractor and one is *Khakiwala*. The accused are threatening the police officers, who had collected the evidence like SDR and CDR which were placed before the Sessions Court on the basis of which the application was rejected. The applicant in ABA No.1313/2021 is threatening that she

has been granted interim relief by the High Court and threatening the public due to which witnesses are not coming forward to depose against her.

11. In view of the aforesaid material, no case is made out for granting anticipatory bail. Hence, I pass the following order.

ORDER

- i. ABA No.1313/2021 and ABA No. 1401/2021 stand rejected.
- ii. At this stage, the learned counsel for applicants submit that the applicants proposed to move before the Apex Court for seeking relief and hence, interim protection granted by this Court may be extended. The learned APP opposed the request. However, considering the prayer made by the learned advocate for the applicants, interim protection granted earlier is extended for period of three weeks.

[PRAKASH D. NAIK, J.]

ssc/