

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 242 OF 2021

Jitendra Salunke

...Applicant

Versus

1. The State of Maharashtra

2. Ankit Ramphal Gupta

...Respondents

**WITH
INTERIM APPLICATION NO. 306 OF 2021**

Poonam Ashok Jain

...Intervener

IN THE MATTER BETWEEN

Jitendra Salunke

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr.Sanjay Gidh, Advocate for the Applicant in ABA.

Mr.Ashish Shukla, Advocate for the Applicant in IA.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th FEBRUARY, 2021.

PC :

1. This is an application for anticipatory bail in connection with C.R. No.1075 of 2020, registered with Goregaon Police Station on 17th December, 2020 for offences punishable under Sections 384, 385, 120(B) r/w. 34 of Indian Penal Code, 1860 ("IPC" for short).

2. The grievance of the complainant is that she is conducting saloon parlour and spa for male and female customers.

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Massage facility is also provided. Both the male and female staff are employed. The parlour was started after it was closed on account of pandemic. In pursuant to that accused Ankit and Abhinandan Paliwal used to visit the parlour and threaten the complainant and demand money for commencing parlour. The complainant parted the amount to Ankit and Abhinandan Paliwal on 3.11.2020, 17.11.2020, 5.12.2020 and 12.12.2020. The total amount parted was Rs.50,000/-. Complainant was threatened that she should part with amount of Rs.50,000/- or else she will have to face harassment. The complainant made complaint to the concerned police station. Raid was conducted. She made an arrangement of Rs.5,000/- utilised in raid. Trap was arranged. Ankit Gupta and Abhinandan Paliwal were apprehended. They had demanded a amount of Rs.5,000/-. The said amount was recovered from them. Mobile phones were also recovered. FIR was registered on 17.12.2020.

3. It is the case of the prosecution that during the course of investigation and interrogation of the co-accused, the complicity of the applicant is disclosed. The co-accused have stated that extorted amount of Rs.50,000/- was distributed with applicant.

4. Learned counsel for the applicant submitted that the applicant is Journalist and social worker. He is Editor of a newspaper.

He forwarded the complaint on 12.11.2020. The applicant has been implicated falsely. The involvement of the applicant's disclosed in the third remand of arrested accused. In the FIR name of the applicant is not mentioned. The co-accused were allegedly found accepting money. If the business conducted by the complainant is valid and having legal license, there was no necessity to her for part with the amount to the accused.

5. Learned APP submitted that although the name of the applicant is not appearing in the First Information Report, during the course of investigation, his involvement is revealed. The statement of the co-accused refers to the fact that the amount of Rs.50,000 extorted by them, was shared with the applicant.

6. Learned counsel for the intervener opposed the application. He submitted that the applicant is involved in the crime. The complaints are lodged with a view to extort money. One more case is registered in the past against the applicant in 2011.

7. I have perused the FIR and other documents on record and the investigation papers produced by learned APP. The FIR was registered on 17th December, 2020. From the tenor of FIR, it is apparent that it is a specific case of the complainant that the person named therein used to threaten her for extorting money. She parted

with the amount of Rs.50,000/- in installments to them. In the FIR, the complainant does not state that the applicant was involved in threat or extortion. The applicant had forwarded complaint to police on 12.11.2020 against several persons conducting Spa and beauty parlours in the said area. No action was initiated. He relied upon the newspapers cuttings to show that the grievance was expressed in the newspaper of which applicant is the Editor. In the light of the factual aspects as stated above, the possibility of applicant being falsely implicated in this case, cannot be ruled out. The applicant can be directed to cooperate with the investigation, without custodial interrogation.

8. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 242 of 2021, is allowed;
- ii) In the event of arrest of applicant in connection with C.R. No.1075 of 2020, registered with Goregaon Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.30,000/-(Rupees Thirty Thousand Only), with one or more sureties in the like amount;

- iii) The applicant shall appear before the Investigating Officer on 24th, 25th and 26th February, 2021 between 11.00 am. to 1.00 pm and thereafter as and when called for, till filing of charge-sheet;
- iv) Anticipatory Bail Application stands disposed of;
- v) Interim Application stands disposed of accordingly.
- vi) This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)