

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

ANTICIPATORY BAIL APPLICATION NO.976 OF 2021

Tushar Dilip Mankar Applicant
Versus
The State of Maharashtra Respondent

Mr. Satyavrat Joshi, Advocate i/b. Sunil Kamble, for the Applicant.

Smt. A.A. Takalkar, APP for the Respondent-State.

CORAM :SARANG V. KOTWAL, J.

DATE : 06th APRIL, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.157/2021 registered at Wakad Police Station, Pimpri-Chinchwad on 20.2.2021 under Section 387 read with 34 of the Indian Penal Code.

2. The FIR is lodged by one Himmat Solanki. He has stated that he has a furniture shop at Mankar chowk, Wakad, Pune. The first informant was knowing the present Applicant and one Pradeep Jagtap. He was aware that both of them used to extort money from shopkeepers under the

pretext of providing services of mathadi workers but they never used to supply workers. They used to extort money. One month prior to the FIR, the Applicant and Pradip Jagtap had come to the informant's shop and demanded money. It is alleged that the Applicant asked the informant as to why he was not paying him any money for taking services of mathadi workers. The FIR mentions that he told the Applicant that if he provided services of mathadi workers he would pay him. At that time, the Applicant told the informant and his brother that they were required to pay Rs.10,000/- per month as extortion money otherwise the informant would not be allowed to conduct his business. After giving these threats he went away. On 16.2.2021, the informant and his brother had gone out. At about 1:00 p.m., co-accused Pradip Jagtap came to their shop. The informant was not in the shop. There was a telephonic conversation between the informant and Pradip Jagtap. He told the informant that the Applicant had called him for meeting the Applicant in his office. On 19.2.2021, at about 8:00 p.m.,

Pradip Jagtap again came to his shop and called the informant outside the shop to meet the Applicant. The informant refused to go out. After that, both the accused, including the present Applicant, came inside the shop. The Applicant demanded to see register of workers. The informant refused to show him that register. At that time again the Applicant threatened him that if he was not paid extortion money of Rs.10,000/- per month, the informant would be killed. The informant immediately called the police telephonically. Therefore, the Applicant and Pradip Jagtap went away. Within a short time the police officers from Wakad police station came there. Thereafter, the informant went to the police station and registered his FIR.

3. Shri Joshi, learned Counsel for the Applicant submitted that the offence punishable under Section 387 of IPC is not made out. It could be, if at all, a lesser offence against the present Applicant. He further relied on the affidavit filed by the informant himself in the Court of J.M.F.C., Court No.9. That affidavit is dated 25.2.2021, in

which the informant had stated that he had lodged the FIR because of some misunderstanding and in fact the Applicant was only collecting the amount of Rs.10,000/- for providing services of workers.

4. Learned A.P.P. opposed this application. She relied on the allegations in the FIR. She also submitted that the co-accused Pradip Jagtap, during investigation, had clearly stated that he had gone to the shop of the informant specifically on the instructions of the present Applicant to demand money. She submitted that the police report mentions that the Applicant has created tremendous pressure on the first informant and his family and, therefore, the informant is scared.

5. She submitted that the co-accused Pradip Jagtap has also stated that the Applicant used to collect money from the businessmen and shopkeepers by projecting himself to be an office bearer of Workers Union.

6. She also submitted that the Applicant has five

antecedents. Four of them were in the nature of robbery, dacoity, attempt to commit murder, under Arms Act etc.. She, therefore, opposed this application.

7. I have considered all these submissions. The FIR clearly sets out case of the informant against the present Applicant. The Applicant had repeatedly approached the informant either himself or through co-accused Pradip Jagtap and had demanded money. There was no scope of misunderstanding. Even on the day when the FIR was lodged, the Applicant had threatened the informant and then only the FIR was lodged. Therefore, it is difficult to believe that the FIR was lodged under some misunderstanding.

8. The affidavit relied on by Shri Joshi does not really inspire confidence. It is mentioned in the affidavit that the Applicant was asking for Rs.10,000/- for providing services of workers. However, the FIR is entirely on different footing. The police report shows that the Applicant was exerting tremendous pressure on the informant and his family. Therefore, it is not surprising that such an affidavit is

filed by the first informant. This may also amount to tampering with evidence. This is one of the reasons why I am not inclined to grant protection of anticipatory bail to the Applicant.

9. The offence of extortion is clearly made out. The informant was threatened and money was demanded. The Applicant has antecedents and the record shows that he has created terror in the locality. In this view of the matter, no protection of anticipatory bail can be granted to the Applicant. The Application is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)