

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

ANTICIPATORY BAIL APPLICATION NO.1206 OF 2021

Ganesh Dilip Shewale

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Ranjeet M. Pawar, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th MAY, 2021

(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.165/2021 registered with Baramati City Police Station, Pune, on 08/03/2021, under sections 120-B, 384, 386, 388, 506, r/w 34 of the Indian Penal Code.
2. Heard Mr.Ranjeet M. Pawar, learned counsel for the Applicant and Ms.A. A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Kamala Shankar Pandey, who is the victim in this case. He has stated in his FIR that in February 2021 he received a message from an unknown number. He slowly started chatting with a person using that number. The person from the other end represented to him that her name was Pooja Patil. They started discussing personal matters. They exchanged their photographs. On 20/02/2021, that unknown girl called the informant to meet her at Phaltan. The FIR mentions that her real name was Smita. On 27/02/2021, at about 02.00 p.m., he went to Phaltan to meet her. He went to a flat. At that time, another unknown lady came there and started questioning him. She called two men. One of them told the informant that his name was Ashish Pawar and he was a police officer. The other person told his name as Guru Kakade. All of them threatened the informant that they would lodge complaint at the police station against the informant. They demanded Rs.10 lakhs as extortion money for not taking action against him. After negotiations, the amount was fixed at Rs.5 lakhs. The informant arranged for Rs.1 lakh and gave it to Guru Kakade.

Ashish and Guru contacted the informant from time to time till 08/03/2021. The informant was constantly under pressure and fear. On one occasion the accused even visited his house. The informant was worried. He told everything to his nephew Akash Pandey. He ultimately approached police and gave his complaint. Police arranged to lay a trap. Accordingly, the informant was to meet Guru Kakade at Baramati S.T. Stand. The informant gave Rs.20,000/- to Guru. Money was kept by Guru in his pant pocket. Police caught him at the spot. After he was apprehended, he told his real name as Rakesh Ramesh Nimbore. He informed about the roles played by Smita Gaikwad, Ashish Pawar and Suhasini Ahiwale. On this basis FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant's name is not in the FIR. The Applicant was not at the spot. The other accused was caught at the spot. He submitted that there is absolutely no material against the present Applicant. He had not even met the first informant. He had not called the informant. He had not spoken with the informant. His

custodial interrogation is not necessary.

5. Learned APP opposed this application. She produced statements of co-accused Smita Gaikwad and Suhasini Ahiwale, who were arrested in this case. She also produced transcript of conversation between the first informant and the present Applicant.

6. I have considered these submissions and I have perused the material produced by the learned APP. The statements of co-accused show that the initial payment of Rs.1 lakh which was made by the informant, was distributed amongst the accused Ashish, Smita and Suhasini. The remaining amount of Rs.4 lakhs which was to receive was to be received other accused including the present Applicant. The transcript produced before this Court shows that the Applicant himself had questioned and threatened the present Applicant. Thus, at this stage, there is sufficient material against the present Applicant showing his complicity in the offence. The offence is quite serious. The informant's life was

made miserable by the accused persons. Such instances are very serious and no leniency can be shown to the accused. Custodial interrogation of the Applicant is necessary to find out modus operandi and to find out whether there were other similar victims. In this view of the matter, no case for anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)