

Dinesh S. Sherla
Digitally signed
by Dinesh S.
Sherla
Date:
2021.01.04
16:50:33 +0500

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1125 OF 2020

Ajit G. Kolte ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Sujit Pathak i/b Mr. S.V. Dubey for the Applicant.
Mrs P.P. Shinde, APP for the Respondent – State.

CORAM : N.R. BORKAR, J.

**DATE : 1st JANUARY, 2021.
(VACATION COURT)**

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure, 1973 for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 1036 of 2020 registered by Goregaon Police Station, Mumbai for the offence punishable under Sections 384, 385, 389, 120-B read with Section 34 of I.P.C.
3. The allegations against the present applicant are that he along with other co-accused demanded Rs.50,000/- to the complainant by threatening him that if said amount is not paid then they would implicate him in a criminal case of illegal cutting

of tree. It is alleged that pursuant to said demand, the complainant due to fear of prosecution paid Rs.15,000/- to the accused.

4. Heard learned counsel for the applicant and the learned APP for the respondent - State.

5. Learned counsel for the applicant submits that the applicant has been implicated in crime in question just because he tweeted about illegal cutting of a tree. It is submitted that entire allegations of extortion are against the co-accused. It is submitted that the applicant, therefore, may be released on anticipatory bail.

6. On the other hand, learned APP for the respondent - State submits that the applicant is involved in serious offence of extortion. It is submitted that considering the nature of offence the applicant may not be released on anticipatory bail.

7. Admittedly, alleged extortion money is not paid to the present applicant. Even alleged demand of money is attributed to the co-accused. There appears to be no other criminal

antecedents. It is not the case of prosecution that recovery of any incriminating article is to be made. Considering these facts, I am inclined to grant anticipatory bail to the applicant. In the result, the following order is passed.

- a. Anticipatory Bail Application is allowed.
- b. In the event of arrest of the applicant in Crime No. 1036 of 2020 registered by Goregaon Police Station, Mumbai for the offence punishable under Sections 384, 385, 389, 120-B read with Section 34 of I.P.C., he shall be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount.
- c. The applicant shall attend the concerned Police Station on 5th, 6th and 7th January 2021 between 11.00 a.m. to 2.00 p.m. and thereafter, as and when required by the investigating agency and shall cooperate in the investigation.

[N.R.BORKAR, J.]