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

ANTICIPATORY BAIL APPLICATION NO. 2890 OF 2021

BINU NINAN VARGHESE

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**Mr. Raja Rajan Bhura a/w Abhishek Jha i/b Tap Legal for the
applicant**

Mrs. Rutuja Ambekar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 3, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 230/2021 registered with Naupada Police Station for Offences punishable under Sections 384, 385 r/w 34 of the Indian Penal Code i.e. extortion and attempt to put in fear of injury in order to commit said offence.

2] Applicant claims to be a social worker and Right to Information (R.T.I.) activist. It is claimed that applicant has issued threats, sought money from the complainant so as to cover up alleged illegal

decisions/constructions going on within the jurisdiction of Thane Municipal Corporation.

3] Submissions of learned counsel for the applicant are, considering social background, unexplained delay in lodging F.I.R., friendly terms of applicant and complainant, demand of friendly loan by the applicant entitle him to be released on bail. It is further claimed that co-accused is already protected by the order of the Trial Court thereby extending protection for limited period.

4] Learned APP submits that applicant's prima facie involvement in the crime can be inferred from the investigation carried out. It is claimed that custodial interrogation is very much required in the light of material collected during investigation.

5] Considered submissions.

6] Contentions of applicant are, demand of friendly loan, as complainant and applicant know each other since last more than 15

years. It is claimed that same was misunderstood by complainant as extortion.

7] If the aforesaid contentions of the applicant are appreciated, it is claimed that he is in friendly terms with complainant, a public servant since last 15 years. His financial difficulty has prompted him to ask for hand loan. The fact that he has asked for a handloan from complainant and he being a social worker and also R.T.I. activist has sought information through various persons is not a fact under dispute at this stage. In the aforesaid background, the claim put forth in the F.I.R. that of extortion and attempt to put fear of injury in order to commit the said offence of extortion can be inferred from the very conduct of applicant noticed in investigation papers.

8] Provisions of Right to Information Act are misused so as to blackmail or extort the money from public servant can be noticed from the investigation papers.

9] The claim of the applicant that he is whistle blower and has

exposed illegal construction and activities carried in Thane Municipal Corporation area by various builders, public servant and as such he is falsely implicated in the crime is also liable to be rejected. The fact that applicant has sought information under the R.T.I. through certain front men primarily demonstrates his intentions not to get exposed. Investigation carried out till date depicts aforesaid conduct of the applicant which prima facie demonstrates his involvement in a cognizable and non-bailable offence. Applicant has already received part of extortion money.

10] Other accused persons who are claimed to be released in the present offence cannot be treated at par with present applicant in the background of specific role attributed to the applicant.

11] It is though claimed that there is delay in lodging F.I.R. which is required to be considered in the interest of the applicant for grant of bail for which support is drawn from the Judgment in the matter of **Shriram Satwaji Jadhav V/s. The State of Maharashtra and others** [Criminal Writ Petition No. 325/2003]. However, this Court is

required to be sensitive to the observations of the Division Bench. Division Bench while granting relief in the said matter was conscious of the peculiar facts and as such observed to that effect and granted relief. The facts of present case prima facie demonstrate the applicant's involvement in the matter of extortion and blackmailing.

12] As such, in my opinion, no case for bail is made out. Application stands rejected.

[NITIN W. SAMBRE, J.]

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