

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 ANTICIPATORY BAIL APPLICATION NO.28 OF 2022

JAYSHREE RAJENDRA SALUNKE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. B.R. Waramaa, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 12th JANUARY, 2022.

ORDER :

1 Present applicant is apprehending her arrest in connection with Crime No.437/2021 dated 09.10.2021 registered with Amalner Police Station, Dist. Jalgaon, for the offence punishable under Section 385, 387, 341, 342, 506 read with Section 34 of the Indian Penal Code, 1860.

2 It will not be out of place to mention here that the earlier bail application filed by the present applicant bearing Anticipatory Bail Application No.1313 of 2021 was rejected by this Court on 20.12.2021 (Coram : Prakash D. Naik, J.). The concerned Hon'ble Judge is not available

with this Bench and, therefore, the present application was taken up before this Court, which is having regular assignment of Anticipatory Bail.

3 Heard learned Advocate Mr. B.R. Waramaa for the applicant and learned APP Mr. A.M. Phule for the respondent.

4 Learned Advocate for the applicant submits that the applicant has been falsely implicated. She possesses M.A. qualification and she is a prominent social activist, Professor (Lecturer since last 26 years). She is also a Journalist as well as running authorized news web portal in Amalner. She is promoting human rights and works on variety of political issues as well as social issues that affects tribal people, dalits, farmers, labours and women who are victims of social injustice. She is also President or office bearer of various institutions and Advisor as well as Editor of news portal, news channel. She has also played vital role in eradication of corrupt practices. She has also relentlessly and tirelessly worked during Covid-19 pandemic situation to help Adivasis, underprivileged and financially weaker sections of the society. The informant has made allegations against her stating that he had heard one Mr. Wani, who had come to the spot talking that if the informant wants to get to his vehicle released, then, he will have to pay amount of Rs.1,00,000/- at that moment itself and thereafter amount of Rs.5,000/- should be paid every month as 'hafta'. The applicant had asked

one of the accused accompany the informant to take the truck towards Amalner. He then states that the informant started his vehicle and it was followed by applicant. At about 7.00 p.m. the informant was asked to stop his vehicle near Mangrul village and at that time, the informant had seen the applicant and co-accused. In fact, all these allegations are false. The prime allegations made are against one Balu Patil, who has been granted anticipatory bail by the learned Additional Sessions Judge, Amalner on 11.11.2021. The initial inquiry was made by Tahsildar, Amalner regarding black marketing of scheduled commodities loaded in the Truck in question driven by the informant. This rather shows that informant himself is an accused or is carrying out some illegal activity.

5 It has been further submitted on behalf of the applicant that accused Balu Patil had informed to the applicant on her web portal about illegal transportation of the scheduled commodity (rice) in Truck bearing No.MH-18-BG-0745 and also informed the location. The applicant went to the spot just to cover the news item. She could found the numbered truck and she had asked the driver about the nature of the goods carried out in the Truck. The applicant had suspected that it was the ration rice and, therefore, as a vigilant citizen informed the said fact to Tahsildar, Amalner on his cell phone. The Tahsildar had assured to depute an officer for the inquiry and,

therefore, within 10-15 minutes Naib Tahsildar Mr. Bavane reached the spot in Government vehicle along with two other persons. After those persons had arrived, the applicant had left from the spot. She has not taken part in any other further activity. On the next day she had noticed missed call from Tahsildar, Amalner and, therefore, she had given a call to him and asked about the action on the Truck, that has been taken. It was then informed that the Truck was released after the inquiry. The applicant has recorded those calls. Police were aware about the information supplied by the applicant to the revenue officers. But this material part of the investigation has been suppressed by the police from this Court, which led to the dismissal of her earlier application. It has prompted her to file this successive bail application. Her physical custody is not at all required for the purpose of investigation. There is no prima facie offence disclosed in the First Information Report against her. Whatever she has done is by way of a vigilant citizen. The applicant is ready to abide by the terms of the bail.

6 Learned APP strongly opposed the application and submitted that the earlier bail application filed by the present applicant was rejected by giving reasons by this Court. The First Information Report would definitely disclose that active role has been played in demanding 'hafta' by the present applicant. Her custodial interrogation is necessary. It was also submitted on

behalf of the learned APP that since the matter is coming for the first time he is not having papers, but on the basis of papers made available by the applicant he could submit that the custodial interrogation is necessary, in view of the rejection of her earlier bail application.

7 At the outset, it is to be noted that in order to grant any interim relief or even final relief the confidence has to be created in the mind of the Court that the applicant would be available for investigation, prima facie the custodial interrogation of the applicant may not be required etc. The First Information Report was lodged on 09.10.2021 by Imran Fazal Hak Ansari. It is alleged that the informant is working as a driver with Mahesh Wani on his vehicle bearing No. MH-18/BG-0745. On 08.10.2021 the Truck was loaded with rice and the informant proceeded towards Rohit Trading. At about 4.45 p.m. six persons came on motorcycle and stopped the vehicle. They snatched the key and cell-phone of the informant and threatened him. One lady came to the spot along with one person on motorcycle. They claimed to be Journalists and questioned the informant about the contents of vehicle. They demanded hafta. The informant spoke to the owner of vehicle and called him at the spot. Two of them told the driver to take the vehicle towards Dhule. It was stopped at Lodhawa Phata. The informant again called his owner. He came to the spot. The lady accompanying the other person

introduced herself as Journalist. The accused demanded hafta. Rs.1,00,000/- was demanded for releasing the vehicle and Rs.5,000/- for every month. The informant managed to reach the Police Station when the vehicle was intercepted and the owner was present at the spot. The police came to the spot. The accused disappeared. While demanding hafta, the informant was threatened that he would be killed. This Court by a detailed order rejected the application on 20.12.2021. The stand, that was taken at that time by the prosecution, has also been noted that after the granting of interim relief in favour of applicant she has created terror in the city and she has utilized the news portal as well as other social media for creating terror. The applicant is using the media to give threats to police officers also. Further, the applicant has a criminal antecedents. Three cases have been registered against her – 1) **Crime No.326/2019**, under Section 327, 143 of the Indian Penal Code, 2) **Crime No.554/2019**, under Section 327, 323, 504, 506 of the Indian Penal Code and 3) **Crime No.141/2020** registered with Marwad Police Station.

8 As regards the allegations in the present First Information Report are concerned, active role is attributed to her. She had demanded amount from the informant. Not only once but it has put in the form of hafta per month also. It is also to be noted that it is alleged that the present applicant

was along with the five other persons. Then it is required to be seen as to whether this is a crime syndicate. The conversation on the phone quoted in the First Information Report speaks for itself as to what was the intention of the applicant.

9 Now, the learned Advocate representing the applicant submits that on the earlier occasion certain things were not brought to the notice of this Court. That means, when she had filed Anticipatory Bail Application No.1313 of 2021, certain facts were not pleaded or were not brought to the notice of this Court. It is stated that it is in respect of suppression of facts by the police that certain things have been done by the applicant and the revenue authorities had responded to her. To this argument, it can be said that by change of Advocates the facts will not be changed. Rather the Advocate would plead for the applicant. All the facts will have to be narrated by the client to his Advocate, who would then put those facts in the legal framework before the Court. If there is suppression by the prosecution agency and the applicant had disclosed those facts to her Advocate, then, the then Advocate who was representing the applicant would have pointed it out before this Court on the earlier occasion. But this thing has not been done and, therefore, no advantage can be given to the applicant. Another fact to be noted is that after the application was rejected on 20.12.2021, the learned

Advocate for the applicant submitted that the applicant intends to move Apex Court for seeking relief and, therefore, interim protection granted by this Court be extended. Though that request was opposed by the prosecution, this Court had extended the interim protection to the applicant for a period of three weeks. Now, the applicant has not come with a case as to why she had not approached the Hon'ble Apex Court. Her present successive bail application cannot be the answer to it. When there are no change in the circumstances, this successive bail application cannot be entertained. It deserves to be rejected at the threshold. Hence, following order.

ORDER

The application stands rejected.

(Smt. Vibha Kankanwadi, J.)

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