

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

ANTICIPATORY BAIL APPLICATION NO.2482 OF 2022

Sanjivani Satish Barangule & Anr.

..Applicants

Versus

The State of Maharashtra

..Respondent

Mr. Ashutosh Kulkarni i/by Akshay Kulkarni, for the Applicants.

Mr. A. A. Palkar, APP for the Respondent/State.

Mr. Maharudra Parjane, API, Vairag Police Station, Solapur Rural – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 23rd SEPTEMBER, 2022

PC.

1. Applicants are seeking pre-arrest bail in Crime No.206 of 2022 registered with Vairag Police Station for the offence punishable under Sections 384, 385, 388, 341 r/w 34 of IPC.

2. Case of the prosecution is, applicants are the office bearers of social organization Prahar. On 18th April, 2022, the applicants in the said capacity intercepted the truck of complainant threatened him and extorted money, as it is claimed that the complainant was transporting sand without any authority. Submissions of counsel for the applicants Mr. Ashutosh Kulkarni are, apparently FIR would reflect that both the applicants are not involved in the offence in question, as third person Mr. Gaikwad

threatened, demanded and extorted money. Further contentions of Mr. Ashutosh Kulkarni are, pursuant to the ad-interim protection, applicants have attended the Investigating Officer and co-operated. As such, it is claimed that applicants deserve to be released.

3. Learned APP based on the investigation would oppose prayer.

4. I have appreciated the submissions.

5. The fact that the applicants were present on the spot of the incident is not in dispute. Case of applicants is, vehicle of the complainant was intercepted and having noticed that the driver was not carrying royalty pass, he was asked to take the vehicle to Police Station or the Tahsildar.

6. The aforesaid fact which is disclosed in the application, in my opinion, does not appear to be in tune with the conversation recorded on the spot of the incident. The transcript which is produced on record in express terms demonstrates that both the applicants were involved in demand of money on the ground that the complainant was transporting the sand illegally.

7. Though the complainant was proceeded against for transportation of illegal sand, however, vehicle of the complainant was ordered to be released by the order of the division bench, as the

Revenue Authorities were of the view that the complainant was holding appropriate royalty pass. In the aforesaid background, even claim put forth by the applicants that the complainant was not holding royalty pass is also wholly misplaced. Rather the necessary ingredients of offence of extortion are very much inferred not only from the conversation recorded but also statement of the complainant and his driver. That being so, no case for bail is made out.

8. The application as such stands rejected.

[NITIN W. SAMBRE, J.]