

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

CRIMINAL BAIL APPLICATION NO.2660 OF 2022

Dhananjay Vitthal Gawade

... Applicant

Versus

State of Maharashtra

.. Respondent

Mr.Pranav Badheka a/w Usha Kejariwal, Karan Mehta, Harshad Joshi
i/b. Karan Mehta & Associates for the Applicant.

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

CORAM : NITIN W. SAMBRE, J.

DATED : 17th NOVEMBER, 2022

P.C.:

1. Applicant, is former Corporator of Vasai-Virar Municipal Corporation is seeking a regular Bail in connection with Crime No.381 of 2018 registered with Virar Police Station, District Palghar (RCC No.1174/2021 before the JMFC, Vasai) on the following grounds ;

- (a) that he has suffered incarceration for a period of almost 17 months.
- (b) the other co-accused who are similarly placed in the crime in question are already released on bail.
- (c) considering number of pending trials and number of witnesses to be examined, there is likelihood of delay in completion of trials.
- (d) the pendency of Revision Application before the Sessions Court at Vasai, in which the record and proceedings are already called at behest of the other co-accused persons may delay in completion of trials.
- (e) delay in lodging the FIR is not substantiated.

2. Learned APP submits that the applicant by misusing his political identity, social background as a Corporator blackmailed various builders, land owners etc and extorted money under the threat of causing grievous hurt or death. It is claimed delay in lodging the FIR is because of political personality of applicant as people were afraid of him. It is only after the Public Authority supported the cause. The person from the public came forward in lodging the complaint. It is urged that the charge is already framed, the trial Court is willing to commence the trial, however, the accused persons are delaying the same by not cooperating, as such the rejection of Bail Application is sought.

3. As far as the claim put forth by the applicant in present Bail Application is concerned, the applicant is seeking Bail on the ground that the necessary ingredients i.e. the charge in the FIR was Initially under Section 384 which is punishable only by imprisonment of three years.

4. Learned APP has pointed out that the charge is framed under Section 386, however, this Court is sensitive to the fact that initially the accusation was one which can be punishable under Section 384 and not 386 of Indian Penal Code i.e. for extortion by putting a person under fear of death or grievous hurt. The prosecution has

improved the case during investigation.

5. Considering the maximum punishment prescribed under Section 384 of Indian Penal Code and the fact that the charge is already framed against the applicant, the prayer for grant of Bail is allowed.

6. Hence, I pass the following order :

:: ORDER ::

- (i) The Criminal Bail Application is allowed.
- (ii) The applicant Dhananjay Vitthal Gawade be released on Bail in connection with Crime No.381 of 2018 registered with Virar Police Station, District Palghar on executing PR Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- (iii) The applicant shall neither tamper with the evidence nor influence prosecution witnesses in any manner.
- (iv) The applicant shall attend the trial regularly without seeking any adjournment unnecessarily.
- (v) The applicant, if not deposited, shall deposit the passport with the trial Court and shall not leave the Country without prior permission of the Court.
- (vi) The Criminal Bail Application stands disposed of.

(NITIN W. SAMBRE, J.)