

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

**CRIMINAL BAIL APPLICATION NO.2662 OF 2022
WITH
CRIMINAL BAIL APPLICATION NO.2787 OF 2022
WITH
CRIMINAL BAIL APPLICATION NO.2657 OF 2022**

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Dhananjay Vitthal Gawade ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Pranav Badheka a/w Usha Kejariwal, Karan Mehta, Harshad Joshi
i/by Karan Mehta & Associates, for the Appellant.
Mr. A. A. Palkar, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 17th NOVEMBER, 2022

PC.

1. By consent, all these applications are tagged and heard together.
2. These are the applications for grant of the regular bail. The details of the offence in each application, in which the applicant is seeking regular bail are as under :-

- “i) Crime No.402 of 2018 registered with Virar Police Station for the offence punishable under Sections 384, 385, 386, 506, 500 r/w 34 of IPC.
- ii) Crime No.430 of 2018 registered with Virar Police Station for the offence punishable under Sections 384, 386, 504, 506 r/w 34 of IPC.

- iii) Crime No.446 of 2018 registered with Virar Police Station for the offence punishable under Sections 384, 386 r/w 34 of IPC.”

3. In general the prosecution case against the applicant is, the applicant was a corporator of Municipal Corporation. In furtherance of common intention, the applicant along with other co-accused by using his position not only threatened the demolition of construction but also extorted money under the threat of death or to cause grievous injury. The applicant in various cases has extorted amount in lakhs from the developers/land owners who have come forward for lodging the FIR only after the prosecution has assured security/protection. The applicant is now seeking bail in all the offences on following grounds :-

- a) that the applicant has suffered incarceration for a period of about eighteen months;
- b) the charge is already framed and the trial is likely to take substantial time;
- c) the other co-accused are already released on bail; and
- d) he is falsely implicated in the offence in question;

4. Learned APP has opposed the prayer on the ground that the release of the applicant will hamper the progress in the trial, as the applicant enjoys sufficient clout in the vicinity as a corporator and has used muscle men in the matter of commission of the crime. It is claimed that if the applicant is released then trial will be delayed.

5. I have considered the submissions.

6. The offence alleged against the applicant in all the aforesaid crimes is of extortion under the threat of causing death or grievous hurt. The case of the prosecution is supported by the witnesses who have come forward only after the protection assured by the Investigating Agency. The fact remains that the applicant, a corporator has used his political position in the matter of commission of crime of extortion which is punishable for ten years.

7. There are in all seventeen offences registered against the applicant in which he is facing trial.

8. The material collected by the prosecution *prima-facie* establishes the complicity of the applicant in the crime in question, as there is strong case against the applicant. In my opinion, the applicant does not deserve to be released.

9. Even if other the co-accused who were with the applicant are released on bail, the case of the applicant cannot be considered at par with such an accused, as the accused is the leader of the group and is at the forefront in the commission of the offence. As such, principle of parity cannot be applied to the applicant.

10. As such, all these applications stand rejected.

[NITIN W. SAMBRE, J.]