

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3086 OF 2021

Tanaji Dhanji Shinde ...Applicant
Vs.
The State of Maharashtra ... Respondent

**WITH
CRIMINAL BAIL APPLICATION NO.391 OF 2022**

Vivek Ramchandra Shakkya ...Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Ritesh Thobde for the Applicant.
Ms.J.S. Lohokare, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 4 APRIL 2022

P.C.

. Both these Applications, arise out of the Crime No.488 of 2021, registered with Valsang Police Station, District-Solapur, under Section 468, 504, 506 read with Section 34 of the Indian Penal Code.

2. The informant who is a married lady aged about 27 years had earlier filed a complaint alleging an offence under Section 354 and 452 of the IPC, Section 8 and 12 of the Protection of Children From Sexual Offences Act, and Section

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3(1)(w)(ii) and 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The present Applicants who are lawyers by profession were representing the informant in the said case. It appears that a compensation was awarded to the informant/victim of Rs.15,00,000/- under the “*Manodharya Scheme*” by the Social Welfare Department. The allegation in the present complaint is that, out of the said compensation an amount of Rs.12,01,000/- was recovered by the present Applicants from the informant.

4. I have heard learned counsel for the parties. Perused record.

5. The Applicant Tanaji Dhanaji Shinde (Criminal ABA No.3086 of 2021) is seeking anticipatory bail while the Applicant Vivek Ramchandra Shakkya (Criminal Bail Application No.391 of 2022) is seeking regular bail.

6. The investigation is complete and the charge-sheet is filed.

7. The learned counsel for the Applicant submitted that an amount of Rs.5,76,000/- was transferred in the account of the Applicant Vivek Shakkya while an amount of Rs.3 Lakhs was

transferred by cheque to the account of the Applicant Tanaji Shinde. In otherwords the receipt of a total amount of Rs.8,76,000/- is not disputed. The Applicants are however, disputing that the total amount received was Rs.12,01,000/- as claimed by the informant.

8. The record discloses that the said amount Rs.8,76,000/- has been deposited by the Applicants before this Court.

9. The learned counsel for the Applicants on instructions states that the Applicants have no objection for paying the amount of Rs.8,76,000/- to the original informant (which is the amount received by cheque). The statement so made is accepted.

10. Considering the overall circumstances, the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.488 of 2021, registered with Valsang Police Station, District-Solapur, the applicant-Tanaji Dhanji Shinde shall be released on bail on executing a P.R. Bond in the sum of

Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall report to the investigating officer on 11 and 12 April 2022 and as and when called and shall co-operate with the Investigating Agency.

(iii) The applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iv) The Applicant-Vivek Ramchandra Shakya, be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(v) The applicant shall not tamper with the prosecution evidence/witnesses.

(vi) The amount of Rs.12,26,000/- deposited before this Court, along with interest, if any, shall be made over to the learned Judicial Magistrate First Class, Solapur. Upon transfer of such amount the learned Magistrate shall permit withdrawal of Rs.8,76,000/-

by the informant and remaining amount shall be invested in a Nationalized Bank.

(vii) The disbursal of the balance amount shall be subject to the outcome of the trial.

(viii) The Criminal Applications are disposed of in the aforesaid terms.

C.V. BHADANG, J.