

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

ANTICIPATORY BAIL APPLICATION NO. 436 OF 2023

Keshav Vithal Lokhande	 Applicant
v/s.	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 844 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 436 OF 2023**

Kailas Bhikaji Satpute	... Intervenor
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In the matter between :-

Keshav Vithal Lokhande	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Vikas Shivarkar for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. Sachin M. Bhavar i/b. H.B. Kamble for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th MARCH, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.691/2022 registered with Tembhurni Police Station, Solapur for offences punishable under sections 327, 341, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Kailas Bhikaji Satpute. The Complainant has alleged that about 08 days prior to the incident, the Applicant herein had demanded Rs.10,00,000/- and failure of which, he threatened to shut down the school. He states that on 06/11/2022, while he was proceeding towards his residence, the Applicant herein and others got down from the swift car and stopped his vehicle and abused and threatened him, pulled him by his collar and removed Rs.50,000/- from his pocket. Based on the aforesaid allegations, the FIR came to be registered.

4. It may be mentioned that except the offence under section 327 of the Indian Penal Code, all other sections are bailable. The records do not prima facie indicate that the Applicant had caused hurt to the Complainant for the purpose of extortion. Hence, prima facie section 327 of the Indian Penal Code is not applicable. Even otherwise, learned

counsel for the Applicant in ABA No.436/2023, has made a statement that without prejudice to the rights and contentions, the Applicant is ready to deposit Rs.50,000/- before the trial court. Statement is accepted.

5. In the light of said statement and considering the nature of the allegations leveled against the Applicant, in my considered view, this is not a case which would justify custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.691/2022 registered with Tembhurni Police Station, Solapur, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall deposit Rs.50,000/- before the trial court within a period of one week from the date of this order ;

(c) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer ;

(d) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(e) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time ;

6. The Application stands disposed of. Interim Application No.844/2023 stands disposed of in view of disposal of ABA.

(SMT. ANUJA PRABHUDESSAI, J.)