

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

ANTICIPATORY BAIL APPLICATION NO. 853 OF 2023

Mahesh @ Banda Yashwant Kashid ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Padmanabh Pise i/by P. Padmanabh Assoc. - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 27th MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP.

2. Against the present Applicant and co-accused Vijay Bhokare, there is an offence registered at Umbraj Police Station on 06/03/2023 under Sections 385, 386, 387, 506 read with 34 of Indian Penal Code. It was on the complaint of one Sampat Raghu Ghadage, who runs rationing shop. The Applicant is treated as activist under the Right to Information Act. The Applicant has applied for certain information as per Right to Information Act to the office of the Tahasildar. The information pertains to the shop of the

first informant. The first informant was asked to furnish necessary information to the office of the Tahasildar. For supplyin the information Rs. 10,000/- was demanded by the office of the Tahasildar from the Applicant and the Applicant was asked to deposit the amount. On that present Applicant has expressed desire to take inspection.

3. During all these transactions, the Applicant was demanded of Rs. 1,00,000/- amount, if the Application under right to information act is to be withdrawn. After settlement, an amount of Rs. 50,000/- was decided. The first installment of Rs. 5000/- was paid on 05/03/2023 to the co-accused Vijay Bhokare. He was granted anticipatory bail by the Court of Additional Sessions Judge.

Merits of this case

4. Learned Advocate for the Applicant tried to point out certain shortcomings in the F.I.R. on the basis of which it is stated that case is not believable. So it is not the Applicant who has contacted the first informant whereas the first informant has stated that he has contacted the Applicant. It may be true but after establishing the contact, there was threat to face the consequences, if

the money is not paid. Furthermore, it is submitted that the Applicant never demanded Rs. 1 Lakh, but it is first informant only who has referred about Rs. 1 Lakh. Even though it may be true but the other details shows the complicity of the Applicant.

5. Even though it may be true that co-accused Vijay Bhokare has granted anticipatory bail, copy of that order is not before us. Be that it may, all this started at the instance of the present Applicant and he is person who has sought the information and he is person who has asked for settlement and demand of money has made and threat is given to face consequences, if money has not paid. So his role is major. So I am not inclined to grant anticipatory bail.

Criminal Antecedent

6. Learned APP pointed out that even wife of the Applicant has threatened the first informant to withdraw the complaint. The statement of the first informant is recorded on 18/03/2023. Furthermore there are two crimes registered against the Applicant, one is C.R. No. 51 of 2020 registered with same Police station under Section 506 and under provisions of the Scheduled Caste and

Scheduled Tribes (Prevention of Atrocities) Act. It is true that anticipatory bail is granted in that matter. Copy is tendered on record by learned APP. The background of that offence needs to be considered. In that offence also being an activist he has demanded information from the Sarpanch of the village Umbraj.

7. Furthermore, there is one more C.R. bearing C. R. No. 204 of 2023 registered with same police station on 10/03/2023 on the complaint of one Sharad Shaha. It has arisen also on the background of seeking information under Right to Information Act. The court of additional sessions judge though mentions certain wrong details in para no. 6 of the order. It is clarified by learned APP These are also additional materials which warrants me not to grant anticipatory bail.

Health ground

8. There is one more contention raised by referring to the health of the present Applicant. At the time of filing of the application, he was admitted in Satara Hospital and Research Centre. My attention is invited to the case papers wherein the Doctors have advised aggressive medical management and according

to learned Advocate it suggests Bypass surgery. This is countered by learned APP and he submitted as per instructions from the investigating officer that the Applicant has taken discharge and they don't know in which hospital he is admitted.

9. Police can collect that information from their own resources. Furthermore, it is pointed that when he was granted anticipatory bail in CR No. 51 of 2020 similar grievance about the medical health was made and it is reflected in para no. 9.

10. Be that it may the present medical papers suggest that he needs treatment. At this stage, it can only be said that Police can resort to their powers only after verifying with the Doctors under whom he is taking treatment at all.

11. With these observations, application is rejected.

[S. M. MODAK, J.]