

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1278 OF 2022

Akshay Dilip Fadake & Anr.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Mr. Vrushali Maindad with Ms. Shaheen Kapadia for
the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 15, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No. 394 of 2021 registered with Taloja Police Station, District Thane, for offences punishable under sections 384, 385, 386, 387, 427 read with section 34 of the Indian Penal Code, 1860, the applicants seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, the informant purchased a land from one Pawar. While he was constructing on the said land, one Vijay Pawar came to the spot in the month of March 2021 along with other persons and told the informant to stop the construction as they are the local persons and if he want to continue the construction work he has to pay them. It is alleged that they told

the informant that if you wants to continue with the construction, the informant will have to pay amount of Rs.6,00,000/-. They were coming for one month consecutively and threatened the informant. As alleged on 1st June 2021 unknown persons attacked the Ford car of the informant. It is alleged that on 7th December 2021, Vijay Pawar threatened the complainant's brother demanding Rs.6,00,000/-.

3. The applicant, therefore, filed an application under section 438 of the Criminal Procedure Code, 1973, which is rejected by order dated 20th April 2022. Learned Sessions Judge rejected the application as the investigation was in initial stage and investigation on demand of Rs.6,00,000/- was in progress. Aggrieved thereby, the applicant has filed present anticipatory bail application.

4. This Court by order dated 13th June 2022 protected the applicant. There is no material on record to show that the applicant has not cooperated with the investigation.

5. During pendency of the application, the accused No.1 who allegedly demanded Rs.6,00,000/- has been released on regular bail.

6. The prima facie role attributed to the applicant is that he threatened the informant, he was present when the accused No.1 threatened the informant to grant him work of supply of material in the construction which was being carried out by the informant.

7. Considering the allegations made against the applicant and the fact that the applicant cooperated from 13th June 2022 till

today, the interim relief granted by this Court on 13th June 2022 deserves to be confirmed.

8. The interim relief is, therefore, confirmed on the same terms.

9. The anticipatory bail application stands disposed of. No costs.

(AMIT BORKAR, J.)