

SA Pathan

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

BAIL APPLICATION NO.1040 OF 2023

Sadanand Vamam Wakurle ... Applicant
V/s.
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.1929 OF 2023
IN
BAIL APPLICATION NO.1040 OF 2023**

Rajesh Ananda Patel ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Abhijit P. Kulkarni, for the Applicant in BA
No.1040 of 2023.

Mr. Priyal G. Sarda, for the Applicant in IA No.1929 of
2023.

Mrs. Veera Shinde, APP for State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2023

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, (for short 'Cr.P.C.') in connection with CR No.296 of 2022 (RCC No.76 of 2023) registered with the Khandeshwar police station for offences punishable under Sections 384, 385, 387, 506(II) r/w Section 34 of the Indian Penal Code (for short 'IPC').

2. According to prosecution, the informant and applicant were

friends. Both had previous economic transaction of hand loan being paid and returned. The informant on 20 November 2022 lodged a complaint alleging that from 1 April 2021 till 19 November 2022, the informant was forced to pay amount of Rs.52,41,500/- to the applicant under threat of blackmailing and revolver. The incident alleged in the report arranged between April 2021 to 19 November 2022. Part amount was paid by cheque, part is by cash. The applicant was arrested on 19 November 2022.

3. The investigating officer carried out investigation and after completion of investigation filed charge sheet applicant. The applicant filed application under Section 439 of Cr.PC. seeking bail before learned Sessions Judge, the said Application has been rejected by learned Sessions Judge. Aggrieved thereby, the applicant has filed the present application.

4. On perusal of charge-sheet, it appears that the informant was having friendly relations with the applicant. There has been transfer of money between the applicant and informant in the past. The amount has alleged has been transferred either by cheque or by cash. According to prosecution, the informant parted with the amount under threat of blackmail and revolver. The applicant is businessman. Though there is first information report (F.I.R.) filed against him, it is offence under Sections 324, 342, 327 made in allegation of assault against the applicant.

5. Considering range of transaction i.e. from April 2021 till 19 November 2022, prima facie the reason for parting such huge

amount under threat cannot to be accepted. The applicant is in jail since 19 November 2022. The investigation is completed. Hence, following order :

ORDER

- i. The bail application is allowed.
 - ii. The applicant be released on bail in CR. No.296 of 2022 (RCC No.76 of 2023) registered with the Khandeshwar police station for offences punishable under Sections 384, 385, 387, 506(II) r/w Section 34 of IPC, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
 - iii. The applicant shall remain present before concerned police station on first Saturday between 11:00 am to 2:00 pm of each quarter of year.
 - iv. The applicant shall remain present before the trial Court on each date unless exempted by the Sessions Court.
 - v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - vi) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
6. The bail application stands disposed of. No costs.

7. In view of disposal of bail application, nothing remains to be adjudicated in the interim application. Hence, the interim application is disposed of.

(AMIT BORKAR, J.)