



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

ANTICIPATORY BAIL APPLICATION NO.2306 OF 2023

1. Shantilal Bholenath Sable
2. Ganesh Vinayak Shinde

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Mr. Dhairyasheel Sutar for the Applicants.

Ms A.A. Takalkar, APP for Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED :19th AUGUST, 2023.

P.C.:-

1. The Applicants apprehend their arrest in Crime No.467 of 2023 registered with Sadar Bazar Police Station, Solapur, for the offences punishable under Sections 143, 147, 332, 353, 385, 504 and 506 of the IPC.

2. Learned counsel for the Applicants contends that the Applicants have been falsely implicated for seeking information under the RTI Act. He states that the Applicants have not been identified and that their presence is not required for custodial interrogation.

3. Per contra, learned APP states that the Applicants have been named in the FIR and that the FIR discloses their involvement in commission of the offence.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The aforesaid crime was registered pursuant to the FIR lodged by Ramkrushna Kamallu, Surveyor, Solapur Municipal Corporation. The facts narrated in the FIR prima facie reveal that on 13/07/2023 at about 10.30 a.m. he received information that some persons had stopped the work of construction of the road. He alongwith Engineer-Amol Homkar went to the place of the incident. He has stated that both the Applicants and 5 to 7 persons were present at the site. They were demanding money from the Contractor and his employees and threatening that they would complain about poor quality work, in the event they fail to pay the money/donation.

6. The records reveal that again on 12.15 p.m. when the First Informant visited the site, the Applicant No.1 and others came towards him. They manhandled him, snatched away his diary and mobile and

threw them away and assaulted him. It is stated that they also abused and threatened him. He has stated that Applicant No.2-Ganesh had slapped him.

7. Both these Applicants are named in the FIR. Their identity has been disclosed. The material on record further reveals that they were not only demanding money under the threat of lodging complaint, but were also involved in using criminal force against a public officer.

8. Considering the nature of the offence and the material in support thereof, in my considered view this is not a fit case for exercising discretion under Section 438 of the Cr.P.C. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)