

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3418 OF 2023

Pallavi Jivan Chandgude ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Sripad Hushing, for the Applicant.

Mr. S.H. Yadav, APP, for the Respondent/State.

Mr. Ranjeet Patil, for the complainant.

CORAM : N. J. JAMADAR, J.

DATE : DECEMBER 21, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 749 of 2023 registered at Bhigwan police station for the offences punishable under section 384 read with 34 of Indian penal Code, 1860.

3. The son of the first informant was accused of having committed sexual offences. Video recording of the alleged acts of sexual exploitation of the victim was available with accused No. 1 Sundar. The first informant alleged that on 18th October, 2023 the applicant, who is a Journalist, called the first informant and informed him that the victim was about to lodge a report against

the first informant's son and asked him to settle the matter by making payment to the victim and accused No. 1 Sundar. The first informant alleged he reached the spot as directed by the applicant. Negotiations were held. The first informant paid a sum of Rs. 2 lakhs to the applicant. After a while, the applicant again called the first informant and informed him that the victim and accused No. 1 Sundar were not ready to settle the matter for Rs. 2 lakhs and were demanding Rs. 15 lakhs. The applicant allegedly assured to settle the matter for Rs. 10 lakhs.

4. The first informant alleged that on the next day, his friends met the said victim and accused NO. 1 Sundar. As demanded a sum of Rs. 2 lakhs was paid to the applicant. On 20th October, 2023, a further amount of Rs. 2 lakhs was paid to the co-accused Sundar. The latter assured that on the very day, in the evening, the victim would give a statement at the police station.

5. On 23rd October, 2023 co-accused Sundar allegedly demanded further amount. The applicant called the first informant and asked him to reach Baramati police station. When the first informant reached Baramati police station and told the applicant that he had brought Rs. 8 lakhs, the applicant told the first informant that the

victim and accused No. 1 Sundar were demanding Rs. 50 lakhs. Hence, the report.

6. Mr. Hushing, learned counsel for the applicant, submitted that the first information report represents a concocted version. It was the first informant who had approached the applicant seeking latter's help as the son of the first informant was accused of having committed serious sexual offences. Attention of the Court was invited to the transcript of the conversation between the applicant and the first informant, to bolster up the submission that the first informant was beseeching the applicant to help him out. The learned counsel submitted that the prosecution has selectively relied upon the transcript of the conversation between the parties.

7. In any event, according to Mr. Hushing, the custodial interrogation of the applicant is not warranted. Offence under section 384 of the Penal Code entails punishment which may extend to three years. The applicant is ready and willing to cooperate with the investigation. The applicant, being a Journalist, has roots in society and there is no possibility of fleeing away from justice. In the circumstances, the applicant deserves exercise of discretion.

8. As against this, the learned APP stoutly resisted the prayer for pre-arrest bail. It was submitted that there is material to show that the applicant had in fact accepted the cash amount from the first informant. Taking the Court through the conversation between the parties especially the one which was recorded by the police officer Dilip Pawar while the first informant was at the police station, the learned APP strenuously submitted that the applicant is equally complicit in extorting huge amount from the first informant by giving threat of prosecution of first informant's son.

9. As it was contended on behalf of the applicant that the prosecution was selectively relying upon the transcript of conversation between the parties, the prosecution placed on record the transcript of the entire conversation between the applicant and the first informant. I have perused the transcript of the conversation. Material on record, prima facie, indicates that the first informant took the initiative to settle the matter with a view to extricate the son of the first informant. However, that by itself is not sufficient to rule out the involvement of the applicant. There is indeed material to show that the applicant had accepted the cash amount and retained the said amount with her. The applicant had conveyed the demands of the co-accused. The last of the demand

was of Rs. 50 lakhs. There are statements of witnesses which lend support to the first informant's version about the demand of money and part payment.

10. It is not a case where the aspect of punishment which the offence entails should be the sole factor to gauge the gravity of the offence. The Court cannot lose sight of the genesis of the alleged offence.

11. From the perusal of the transcript of the conversation one gets an impression that the entire exercise was driven by the objective of shielding the son of the first informant from the imminent prosecution for having committed serious sexual offences. In this backdrop, who initiated the discussion to pay off the victim and the persons who were assisting her, pales in significance. At the heart of the matter is the fact that efforts were made to screen the alleged offender, who was accused of having committed serious sexual offences. It also prima facie becomes evident that an endeavour was made to influence the investigating agency as well. In the aforesaid context of interference with administration of criminal justice system, the investigation is warranted.

12. It is not an ordinary matter of extortion of money with a dishonest intention driven by purely pecuniary advantage. Investigation is warranted to unearth the plot to undermine the prosecution for serious sexual offence in all its facets. In my view, the role of the first informant also deserves to be investigated into.

13. For the foregoing reasons, though the applicant is a woman and the offence entails punishment which may extend to three years, I am not persuaded to exercise the discretion. Custodial interrogation of the applicant is warranted to go to the root of the matter, the objective of which, prima facie, was to sabotage the prosecution for sexual offences.

Hence, the following order.

ORDER

- 1] The application stands rejected.
- 2] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)