



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2063 OF 2023

MAHENDRA DADABHAU NAWASARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. A. S. Savale, Advocate for the applicant
Mr. P. P. Dawalkar, APP for the respondent/State

AND

ANTICIPATORY BAIL APPLICATION NO. 2064 OF 2023

NIKITA BAPU AKHADMAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. A. S. Savale, Advocate for the applicant
Mr. P. P. Dawalkar, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 16th OCTOBER, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No. 683 of 2023, registered with Dhule Taluka Police Station, District Dhule for the offences punishable under Sections 384, 385, 506 r/w 34 of the Indian Penal Code.

2. It is the case of the informant that she was having some chats with her brother-in-law and they were emotionally became close to each other. This, however was stopped after realizing the mistake. He

claims that this was informed by her to her husband. There is allegation that from 29th May, 2023 to October, 2023 present applicants by using the said chats have extorted Rs. 50-60 thousands from her from time to time.

3. Learned counsel for the applicants submits that applicant nos.1 and 2 in ABA No. 2064 of 2023 got married on 8th November, 2023, against the wishes of the family of applicant no.2. Applicant no.1 is the sister in law of the informant. It is submitted that in view of the said dispute, present first information report came to be lodged to falsely involve them in this crime.

4. Learned APP opposed the application by placing reliance on the statement of brother in law of the informant. He also claimed that money has been extorted from him by the applicants.

5. The alleged extortion is done for the period from 29th May, 2023 to October, 2023 however, report has been lodged on 13th November, 2023. This Court finds substance in the contention of the learned counsel for the applicants that it can not be treated as a coincident that after the marriage of applicant nos.1 and 2 in ABA No. 2064/2023 was performed, the present report came to be lodged. He is further justified in making submission that when informant had already

disclosed about the said chat about to her husband, question of she any money being extorted from her for the reason of disclosing chat to the husband does not arise. In the peculiar facts of the case, the possibility of false implication is not ruled out. Liberty of the applicant is protected since 19th December, 2023. There is nothing to indicate that the applicants did not cooperate the investigation. Hence, the applications stand allowed in terms of interim order dated 19th December, 2023

(R. M. JOSHI, J.)

ssp