

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

ANTICIPATORY BAIL APPLICATION NO.235 OF 2024

Akshay @ Akshaykumar Rangnath Sawant Applicant
Versus
The State of Maharashtra Respondent

Mr. Vaibhav Kulkarni, Advocate (appeared through VC.) for
the Applicant.

Smt. M.H. Mhatre, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.594/2023 registered at Sinhagad Road Police Station, Pune City on 6.12.2023 under sections 385, 387 read with 34 of IPC.

2. Heard Mr. Vaibhav Kulkarni, learned counsel for the Applicant and Smt. M.H. Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged by one Shivaji Mate. He has stated that he had a land at Narhe. He had started a primary school in the year 2012. Thereafter, he decided to start a school. In 2016, the Government sanctioned one International school and one Primary school. Thereafter the informant decided to build two more floors on the existing structure. On 4.7.2023, he received a notice from the Pune Municipal Corporation mentioning that the construction made by the informant on the space of 5000 sq. ft. in his premises was unauthorized. The informant made inquiries with the officers of the PMC. At that time, he was told that the present Applicant had made applications under Right to Information Act in respect of the structure built by the informant and the Applicant had also asked for the documents concerning the permission for that structure. The informant contacted his friend Jadhav. He told the informant that he was knowing one

Pradeep Dodake, who was friend of the Applicant. Said Dodake told the informant that the informant's enemy had promised Rs.6 Lakhs to Akshay and the informant should pay that amount to the Applicant Akshay Sawant and should pay Rs.4 Lakhs more. The Applicant had even visited the office of the school asking for the documents. In the meantime, the Applicant started residing in the flat of the informant's cousin Ganesh Pokale. Therefore, the informant told all these facts to Ganesh. The FIR further mentions that Ganesh told the informant that he had discussion with the Applicant and that the informant and the Applicant should discuss the matter together and finish the matter. Accordingly they met on 20.9.2023 in a hotel. The informant told him that he should not make complaints because the students would suffer irreparable harm in their education. It is alleged by the informant that the Applicant demanded Rs.10 Lakhs. The informant offered to give him Rs.1 Lakh but the Applicant was not agreeable. Finally the Applicant agreed to accept Rs.3 Lakhs. The conversation was recorded by the informant and

the meeting was recorded in the CCTV footage of that hotel. The informant made a complaint to the police about this extortion. There were further meetings on 4.10.2023, 7.10.2023 and 20.11.2023. On these subsequent meetings also the Applicant was demanding money and was threatening him. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that this is a false case lodged against the Applicant because the informant himself had constructed the structure unauthorizedly. Even till today, the PMC has not accorded any permission to carry out that construction. Therefore, to save himself and to save his structure, the informant is pressurizing others and he is using the Applicant for that purpose. He submitted that the Applicant had not demanded any money and he had acted bonafide in the interest of PMC. The Applicant is a social activist and he was interested in pointing to the PMC about the construction of unauthorized structures.

5. Learned APP opposed these submissions. She produced the transcripts of the audio recording and the video

recording. She submitted that since the Applicant had taken Rs.3 Lakhs from the informant he should be directed to deposit that amount.

6. Learned counsel for the Applicant states that the Applicant has already given his voice sample. Learned APP accepts the fact that the Applicant has already given voice sample for the purpose of investigation.

7. I have considered these submissions and I have perused the transcript. The conversation in the transcript is quite vague. There is no direct specific demand by the Applicant; and reading the conversation as a whole does not throw light as to whether the Applicant had really demanded the extortion amount or whether he had accepted that extortion amount. At this stage, the material against the Applicant is vague. Therefore, it would not be fair if his custodial interrogation is permitted. He can be protected under section 438 of Cr.P.C. but he will have to cooperate with the investigation by attending the police station.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.594/2023 registered at Sinhagad Road Police Station, Pune City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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