IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1317 OF 2024

Amar Kisan Kasabe ...Applicant

Versus

The State of Maharashtra ...Respondent

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- Mr. Nitin H. Sejpal a/w Ms. Pooja N. Sejpal and Ms. A. Desai, for Applicant.
- Ms. Megha S. Bajoria, APP for Respondent – State.
- Mr. Rajesh Usgaonkar, API, Kondhwa Police Station.

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CORAM : MANISH PITALE, J.

DATE : 24th July, 2024.

P. C. :

1. Heard, Mr. Nitin Sejpal, learned counsel for the applicant and Ms. Megha Bajoria, learned APP for the State.

2. The applicant is apprehending arrest in connection with First Information Report No.0382 of 2024, dated 09th April, 2024 (FIR), registered at Police Station Kondhwa, District Pune, for the offences under Sections 384, 385 and 389 read with 120-B of the Indian Penal Code (IPC).

3. In the FIR, there are two persons named as accused, including the applicant and this Court is informed that subsequently, one more person was added as an accused.

4. As per the informant, he is a retired Colonel from Army and he is

presently in the business of providing security guards. He approached the police with a grievance that the applicant had made frivolous complaints against him and his establishment with regard to certain wrong doings, which allegedly caused loss to the State exchequer in the context of GST, Income Tax and other such things. It was also alleged that the informant was indulging in money laundering. It is the case of the informant that after sending copies of such complaints addressed to various Government Authorities, the applicant called the informant and demanded ₹ 25 lakhs in order to withdraw such complaints. According to the informant, when he approached the police, on 08th April, 2024, a trap was laid by placing ₹ 50,000/- and certain papers in a bag to be handed over to the co-accused person, whom the applicant had sent for collecting the cash amount. The co-accused person was caught red handed with the bag and this eventually led to registration of the FIR.

5. The learned counsel for the applicant submits that the applicant is a political activist affiliated with a particular political party. It is submitted that he had written to the Governor of the State of the Maharashtra and other Government functionaries about the manner in which the informant was indulging in corruption and fraud concerning GST, Income Tax etc., as also in money laundering, thereby causing loss to the public exchequer. It is alleged that as a counter blast, the said FIR has been registered. The applicant is ready to cooperate with the investigation.

6. On the other hand, learned APP submits that the third accused person, who has been added subsequent to registration of the FIR, is a disgruntled employee of the informant and in connivance with her, the applicant has indulged in black-mailing the informant. It is submitted that the associate of the applicant i.e. the co-accused was caught by the police red handed with the cash and the Call Details Records (CDRS), as well as transcripts of conversation recorded by the informant do show the direct involvement of the applicant in the present case.

7. This Court has considered the material on record. The co-accused person was caught with the bag and cash on 08th April, 2024, on the informant approaching the police with respect of the alleged actions undertaken by the applicant. The co-accused person divulged the fact that he reached the spot to collect the cash at the behest of the applicant. The material on record, including CDRs and transcripts brought to the notice of this Court do make out a *prima facie* case against the applicant with regard to the ingredients of the offences registered against him. It is a serious matter that after sending complaints to the Governor of Maharashtra and other Government Authorities, the applicant established contact with the informant and gave threats in order to extract money from the informant. There is sufficient material on record with the investigating authority to indicate the

involvement of the applicant.

8. Even otherwise, there are at least two criminal antecedents of the applicant, which also disentitle him from any indulgence being shown by this Court.

9. No case is made out for granting anticipatory bail. The application is rejected.

(MANISH PITALE, J.)