

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2754 OF 2024

1. Ajay Popat Makhare (Ajay Popat Makre)
2. Lalit Gangaram Pandule ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Manoj Jaiswal a/w. Mr. Vedant Gurav and Mr. Ravi Sharma for Applicants.
Mr. Prasanna P. Malshe, APP for Respondent-State.
Mr. Arjun Hariba Mohite, API, Budndgarden Police Station, Pune City.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 11, 2024

P.C. :

. Heard Mr. Jaiswal, learned counsel for the applicants and Mr.Malshe, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0172 of 2024 dated 27.06.2024 registered with Bundgarden Police Station, District - Pune City, for offences under Sections 181, 182, 211, 384, 389, 500, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The grievance of the informant, who works as an agent with the Regional Transport Office (RTO), is that the applicants, for the period between November 2023 and March 2024, were calling him repeatedly from various mobile numbers and demanding money from him, thereby committing the offence of extortion. It is alleged that the applicants deliberately embroiled the informant in criminal cases so as to put pressure upon him and to extort money.

4. The learned counsel for the applicants submits that there is a background to the filing of the subject FIR. Attention of this Court is

invited to documents on record, including a complaint dated 24.11.2023 submitted by the applicant No.1 as a member of All India Vahan Chalak Malak Mahasangh, raising grievances about the corruption in the RTO at Pune. This was followed up with further complaints made to authorities. It is claimed that in this backdrop, when the applicants had raised protest, concerning the corruption in the RTO, the informant reached the place and allegedly assaulted the protesters, including the applicants. This resulted in registration of the FIR dated 04.02.2024 with the very same police station against the accused persons, including the informant herein. It is further brought to the notice of this Court that the applicant No.1 further caused an FIR to be registered on 07.03.2024 at Saswad Police Station, District - Pune Rural, for offence under Section 7(a) of the Prevention of Corruption Act, 1988 against the informant herein and other accused persons with regard to the corrupt activity undertaken at the RTO.

5. Attention of this Court is further invited to two reports of non-cognizable offences (NCRs) registered against the informant at the behest of the applicant No.1 herein. By referring to the said documents, it is submitted that in the backdrop of the protests being made by the applicants as regards corruption in the RTO where the informant admittedly works as an agent, the subject FIR has been registered as a counter-blast. It is submitted that when the police authorities did not register FIR at the behest of the informant, he filed application before the Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.), consequent to which, the subject FIR was registered. It is submitted that the allegations of extortion calls are vague and the FIR can also be said to be delayed.

6. On the other hand, the learned APP opposed the present application, submitting that the application moved by the informant

before the Magistrate under Section 156(3) of the Cr.P.C. describes in great detail the activities of the applicants between November 2023 and March 2024. It is submitted that after the police authorities failed to register an FIR, immediately in May 2024, the informant filed the aforesaid application, which led to registration of the FIR.

7. It is submitted that the statement of the informant sufficiently makes out the ingredients of the serious offences registered against the applicants and no indulgence need be shown to them. It is also submitted that applicant No.2 has a criminal antecedent, although he is retired from the police force. In that regard, attention of this Court is invited to FIR No.023 of 2024 dated 10.09.2024 registered with Shivaji Nagar Police Station, Pune for offence under Section 132 of the Bhartiya Nyaya Sanhita, 2023 (BNS) against applicant No.2.

8. This Court has perused the material on record. It is to be noted that the documents on record show that there appears to be a tussle between the applicants on the one hand and the informant on the other in respect of functioning of the RTO at Pune. A perusal of the subject FIR itself shows that the informant provides services to his clients at the RTO, thereby *prima facie* confirming the submission made on behalf of the applicants that the informant is an agent at RTO. The applicants have been raising the issue of alleged corruption in the RTO and this is evident from the documents placed on record. It is also a matter of record that the two aforesaid FIRs have been registered against the informant herein at the behest of the applicant No.1. At least two NCRs were also registered against the informant at the behest of applicant No.1. This indeed shows that prior to registration of the subject FIR, the applicants had raised serious grievances against the informant, which not only led to registration of the criminal cases against the applicant but obvious bad blood between the applicants and the informant. The subject

FIR has to be considered in the backdrop of such disputes between the parties.

9. A perusal of the application filed by the informant before the Magistrate under Section 156(3) of the Cr.P.C., which was the basis of the registration of the FIR, shows that the informant has indeed alleged that the applicants have made calls from various mobile numbers in order to extort money from him, but reference to false cases being registered at the behest of the applicants cannot be accepted at this stage itself. On the contrary, filing of such cases at the behest of the applicant No.1 does show the background of enmity between the parties and in that sense, there is substance in the contention raised on behalf of the applicants that the subject FIR could be said to be in the nature of a counter-blast.

10. In any case, it is apparent that when FIRs were registered against the informant at the behest of the applicant No.1 in February 2024 and March 2024, it did take some time for the informant to move the police machinery in respect of extortion calls being allegedly made by the applicants from November 2023 itself. There is *prima facie* substance in the contention raised on behalf of the applicants that the subject FIR appears to be in the nature of a counter-blast.

11. As regards the criminal antecedent against applicant No.2, it is relevant to note that the FIR, upon which the learned APP has relied, was registered after the subject FIR was registered. Therefore, strictly speaking, it cannot be said to be a criminal antecedent. In any case, this Court has perused the contents of the said FIR, wherein the offence against the applicant No.2 has been registered under Section 132 of the BNS on the allegation that he threatened a junior clerk of the Judicial Magistrate First Class at Pune that he would file a complaint before this Court on account of the fact that certified copies of relevant documents

were not being provided to him. Even if the said allegation is taken into consideration, that in itself, cannot come in the way of the applicants being granted relief in the present application, particularly when they have undertaken to co-operate with the investigation.

12. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicants are arrested in connection with FIR No.0172 of 2024 dated 27.06.2024 registered with Bundgarden Police Station, District - Pune City, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each with one or two sureties each in the like amount to the satisfaction of the trial Court;
- B. The applicants shall remain present before the Investigating Officer on 14.10.2024 between 10:00 a.m. and 12 noon and thereafter, as and when required by the investigating officer. They shall co-operate with the investigating officer during the course of investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

13. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

14. The application is disposed of.

(MANISH PITALE, J.)