



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.320 OF 2024

Sanjay Shriram Layde

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Dharni, District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. N. Ali, Advocate for applicant.

Mr. N. B. Jawade, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/07/2024

1. By this application, the applicant is seeking anticipatory bail in connection with Crime No.156/2024 registered with Police Station Dharni, District Amravati for the offences punishable under Sections 386 and 506 read with Section 34 of the Indian Penal Code.

2. The applicant was previously working as a Headmaster in Jivan Vikas Vidyalaya, Dahihanda, Taluka Dharni, District Amravati and due to arising of vacancy in another school run by his Management/Society at Devagram, approval was sought by the Management/Society from the Office of Education Officer on 27.04.2023 for transferring the applicant. After receiving the approval from the Education Officer, the applicant was transferred and from the said transfer applicant is working and

residing at Devagram, Taluka Narkhed, District Nagpur.

3 As per the allegation, the complaint lodged by Pradip Shewale who serving as a Tahsildar that present applicant has published the news in the newspaper alleging the corruption by the complainant. The said news articles were published by the present applicant on the basis of complaint lodged by one Rekha Vijay Patel. The said Tahsildar Pradip Shewale lodged a report with the respondent that he is working as a Tahsildar in Melghat area since last two years and discharge of his duty, he performed various works like implementing Rojgar Hami Yojana, constructed cement and tar roads in tribal areas, acquired the lands and disposed of its claim expeditiously. However, the news were published against him by the present applicant and thereafter, present applicant has threatened the complainant by asking extortion the amount of Rs.3,00,000/-. On the basis of same, the crime was registered against the present applicant under section 386 and 506 read with Section 34 of the Indian Penal Code.

4. Heard learned Counsel for the applicant who submitted that as the applicant was working as a Journalist, he has published some news. As far as the threatening through message is concerned, which is not from the mobile phone of the present

applicant. He further submitted that the co-accused is released on bail by this Court and the applicant is also similarly situated. In view of that, the applicant be protected by granting anticipatory bail.

5. Learned APP strongly opposed the said application on the ground that earlier application is withdrawn by the present applicant. There is no change in circumstance shown. He also invited my attention towards the message which shows that the applicant whose friend has sent a message and demanded the amount of Rs.3,00,000/- from the complainant and the message indicates that for demanding the said amount the message was sent. The message also indicates the threatening at the instance of the present applicant. The said message is along with the certificate under Section 65B of the Indian Evidence Act. Thus, he submitted that there is a *prima facie* material against the present applicant regarding the demand of extortion amount from the complainant, in view of that, the application be rejected.

6. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the investigation papers, from the investigation papers it reveals that the message was sent by the present applicant and other the co-accused demanding the money from the complainant as well as the CDR reports are also

called which are yet to be received. The investigation is still in progress. At this stage, there is a *prima facie* case made out against the present applicant, in view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)