



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1238 OF 2025

Ajay s/o Ashok Patil

... Applicant

Versus

The State of Maharashtra and another

... Respondents

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Mr. N. S. Ghanekar, Advocate for the Applicant.

Mr. S. B. Narwade, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 21.08.2025

Pronounced on : 22.08.2025

ORDER :

1. This is a pre arrest bail application apprehending arrest in Crime No. 0189 of 2025 registered at Chalisgaon Police Station, District Jalgaon for offence under Sections 308(7) of BNS.

2. Learned counsel would submit that, above crime has been registered alleging that on 18.05.2025, two persons approached informant at the computer classes which he runs, and he was asked as to who was one Nikhil Rathod and it was further told that there is crime registered against said Nikhil for committing rape and that, said incident of rape had taken place in the premises of said classes, and therefore informant and his brother are also likely to be booked in the alleged crime. Learned counsel pointed out that, it is further alleged

that one of the two persons further told informant that if he wants to save himself from action, he will have to pay. It is alleged that, accordingly complainant managed Rs.50,000/- through his friend Yogesh and after contributing his own Rs.20,000/-, total Rs.70,000/- were paid to those persons. That, subsequently, on the next day, when informant was informed that he was duped, report has been lodged alleging commission of above offence.

3. Learned counsel pointed out that there was dispute of the present applicant with one politician and therefore, taking disadvantage of said situation, at his instance, above report has been lodged. Learned counsel pointed out that, report is lodged under pressure of said politician. That, even otherwise, according to learned counsel, offence of 308(7) BNS is bailable and triable for Magistrate. That, custodial interrogation is not necessary and the applicant is ready to cooperate. That, applicant is in police department and he is not likely to misuse the liberty. On the contrary, if he is arrested, his service career will come in jeopardy and for above reasons anticipatory bail is urged for.

4. Learned APP strongly opposed by pointing out that, informant had approached police immediately on feeling that he was duped and

cheated. That, amount is collected from friend of applicant by drawing seizure panchanama. Learned APP also invited attention of the court to the statement of SDPO wherein present applicant allegedly gave confession. For effective investigation learned APP urges to reject the anticipatory bail application.

5. Heard. Perused the complaint dated 06.06.2025 at the instance of one Swapnil Rakhunde who runs computer classes. As submitted by learned counsel for the applicant, in the evening of 18.05.2025, two police approached informant and questioned him as to who was Nikhil Rathod, and when informant told that he was employed in service of classes, it was further told to him that complaint of rape is registered against said Nikhil and that premises of the classes are used for committing above offence and therefore there is possibility of informant and his brother also to be involved in the crime. Informant has stated that one amongst those two persons took him aside and suggested payment of money to save himself from action, and accordingly informant had borrowed Rs.50,000/- from his friend and then informed those persons on mobile about arrangement of money and they accordingly met near court. However, stating that the amount was insufficient, further demand was raised and therefore, according to informant, he contributed his own Rs.20,000/- and gave

Rs.70,000/-. Thereafter, he was called to police station to sign a notice. Next day, when he interacted with his friend Yogesh Salunke, it was realized that it is an attempt of extortion and therefore he approached police. As submitted by learned APP, informant has submitted mobile number on which conversation was established i.e. baring no. 8097017143 and on inquiry being made, the same mobile turned out to be of the present applicant. After seeing the photograph of applicant, the informant has identified him to be the person who had taken money from him.

6. Therefore, from above FIR at least, it is clear that, threatening to involve in alleged rape case against an employ of the informant, money has been extorted from him. Though learned counsel submitted that offence under Section 308(7) is bailable, as rightly submitted by learned APP, there was no need to approach this Court for anticipatory bail. Police papers contain panchanama dated 19.05.2025 which shows that amount is recovered from friend of applicant. Even otherwise, taking into account the fact that informant has identified present applicant by seeing his photograph at police station, and on getting confirmed that the mobile which was used for conversation that day belongs to present applicant, *prima facie* there is material suggesting his involvement in visiting informant's classes

and accepting money by issuing threats. For above reasons, and for effective investigation, though applicant is in service of police department, considering the nature of allegations, this Court is not inclined to grant relief as prayed. Hence, following order :

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]

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