

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1135 OF 2015

Raju @ Rajesh Ramesh Tandel

...Applicant

V/s.

The State of Maharashtra

...Respondents.

Mr. Ashok Mundargi, Senior Counsel, i/b. Mr. Abhishek Yende for the Applicant.

Mr. Y. M. Nakhawa APP for the Respondent-State.

**CORAM :       REVATI MOHITE DERE, J.**  
**DATED :       27<sup>th</sup> AUGUST, 2015.**

**P.C.**

1.           Heard the learned Senior counsel for the applicant and the learned APP for the State.

2.           By this application, the applicant seeks pre-arrest bail in connection with C.R. No.I-89/2015 registered with the Tulinj Police Station for the alleged offences punishable under sections 364-A, 365, 347, 504 , 506 and Section 120B of the IPC.

3.           Complaint has been lodged by one Anandprakash Chandrashekhar Choupe. It is alleged that on 8/8/2015 four unknown persons came in a Tata Safari Car and asked him to sit in the car and

took him to the Machimar Sangathana office, where the applicant and Purohit Guruji alias Satish Bishnoi were present. According to the complainant, the present applicant questioned the complainant as to why he had not handed over the car papers to Purohit Guruji. It is alleged that the applicant threatened him and asked him to complete the documentation. It is alleged that the complaint disclosed that as he had not received the money, he would not sign any documents. Thereafter one Jayesh Pujari is alleged to have threatened the complainant and then the complainant is stated to have been dropped back near Hanuman Mandir by two persons.

4. Learned Senior Counsel for the applicant states that Purohit Guruji had purchased an Innova car from the complainant-Anandprakash Choupe. According to him, the fact that the complainant had taken a loan from the HDFC bank was not disclosed to Purohit Guruji, and the complainant apprehending that Purohit Guruji may lodge a complaint against the complainant for cheating, the present complaint came to be lodged. He submitted that no offence u/s.364A is disclosed.

5. Perused the papers. From a perusal of the FIR it does not appear that any ransom was demanded for the complainant's release and hence no offence under section 364A is prima facie disclosed. Prima facie, there appears to be some dispute between the parties regarding sale and purchase of an Innova car. Admittedly, the complainant was dropped back after allegedly taking him into captivity. As far as antecedents are concerned that by itself is not a ground to reject the application for anticipatory bail. Learned Counsel submitted that in the 302 case, the applicant has been acquitted.

6. Learned APP opposed the bail. He submitted that the applicant has antecedents including one case u/s.302 of the IPC.

7. Considering the nature of allegations and the material on record, the applicant deserves to be granted anticipatory bail on the following terms and conditions:

**ORDER**

- (i) In the event of arrest, the applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station, on every Saturday between 10.00 a.m. to 11.00

a.m., till the filing of the chargesheet;

(iii) The applicant shall not tamper or attempt to influence the complainant or any person concerned with the case.

8. The Application is allowed and disposed of in above terms.

9. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**