

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1786 OF 2015

Baban Rambhavu Shinde ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Priyal Sarda for the Applicant
Mrs. R.V. Newton, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 09, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.147 of 2015 registered with Alephata Police Station for the offence punishable under Section 364(A), 386, 387, 506(2), 507 r/w. 34 of the Indian Penal Code.
2. Shri Sarda, the learned counsel for the applicant has submitted that the applicant herein is not involved in commission of any crime. He has submitted that the applicant had already lodged a complaint against the complainant and other co-accused. Pursuant to the said

FIR, Crime No.145 of 2015 for the offences under Section 364A, 363, 506(2) r/w. 34 of Indian Penal Code and Section, 3, 25 of Arms Act has been registered against the complainant and others. The learned Counsel for the applicant has stated that the complainant has tried to implicate him in a false case as he had sought information under Right to Information Act regarding the work of Windmill carried on by the complainant herein on the forest land.

3. The learned APP has submitted that the records prima facie indicates that the offences are of serious nature. The statements of the witnesses prima facie indicate that the applicant had sought ransom from the complainant and others.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the applicant and the learned APP for the State. The records prima facie reveal that T.S.Wind Power Developers is a company engaged in setting up wind power projects at Village Pendara. The applicant no.1 was engaged as a contractor by the said firm. There appears to have been disputes between the applicant no.1 and the Directors of the said company. The records reveal that on 2.9.2015 the applicant no.1 had sought

information under the Right to Information regarding the work carried out by the said company in the forest land. The applicant no.1 had thereafter lodged a complaint on 9.10.2015 at 3.15 p.m. alleging that he was abducted and assaulted by the Directors and the other employees of the company. Pursuant to the said complaint FIR No.145 of 2015 for the offence punishable under Section 364A,387, 323, 506(ii) r/w. 34 of IPC has been registered against the Directors and the other employees of T.S.Wind Power Developers. It is not in dispute that the accused in the said FIR have already been granted anticipatory bail. The present complaint has been filed subsequent to filing of the FIR No.145 of 2015 and prima facie it appears to be an offshoot of the same dispute.

5. Considering the above facts and circumstances, as also the nature of the allegations leveled against each other, in my considered view this case does not justify custodial interrogation. The applicant is a permanent resident of Pune, there are no chances of the applicant absconding or thwarting the course of justice.

6. In the circumstances and in view of the discussion supra the application for anticipatory bail is allowed on the following terms

and conditions.

- i) In the event of arrest of the applicant in Crime No.147 of 2015 of Alephata police station, the applicant be released on bail on the applicant furnishing bail bond of Rs.15000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned JMFC, Junnar, Pune.
- ii) The applicant shall report to the Investigating Officer for a period of 7 days between 10 a.m. to 1.p.m. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.
- iii) The applicant shall not interfere with the complainant and the other witnesses, in any manner.

(ANUJA PRABHUDESSAI, J.)