

Anand

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

**ANTICIPATORY BAIL APPLICATION No.782 OF 2016**

1. Nandu Bapurao Nale .Applicants
2. Balasaheb Dattoba Phadatare

Vs.

The State of Maharashtra .Respondent

Mr.K.U.Nikam, Advocate, for the Applicants  
 Ms A.T.Javeri, APP, for the Respondent – State  
 Mr.B.M.Sarda, Advocate, for the  
 Intervenor/Complainant

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 03.05.2016**

**P.C.**

. Heard learned counsel for the  
 Applicants and the learned APP for the  
 Respondent – State.

2. By this Application, the Applicants  
 seek pre-arrest bail in connection with C.R.No.  
 132 of 2016 registered with the Phaltan City  
 Police Station, District – Satara, for the  
 alleged offences punishable under Sections 143,  
 147, 148, 149, 307, 363, 365, 367 of the Indian

Penal Code and under Section 3(1)(25) of the Arms Act.

3. The Complainant is the mother of the injured/victim. She has alleged in her Complaint/FIR, that her son was abducted on 30.03.2016 by 10-12 persons, who had come in four cars and that he was found on the next date i.e. 31.03.2016 in an injured condition.

4. Learned counsel for the Applicants submitted that the Applicants are innocent and that they have been falsely implicated in the said case due to political rivalry. He submitted that the CDR records will show that the Applicants were not present in the village from 11.30 p.m. on 30.03.2016 to 10.30 a.m. on 31.03.2016. He submitted that although, some incident had taken place, the Applicants are not the assailants.

5. Learned APP vehemently opposed the Bail Application. She submitted that the Applicants had motive to cause the alleged assault. She submitted that the statement of the injured/victim-Yuvraj Shinde spells out the motive for the Applicants to cause the alleged assault. She submits that the Applicants have been named by the injured/victim in his statement dated 31.03.2016 and in the supplementary statement. She submitted that the injured/victim and Mithilesh Doshi had lodged several complaints with the Collector, Satara against the Applicants and other persons with regard to illegal excavation of sand, pursuant to which the aforesaid incident had taken place. She further submits that the CDR records show that the Applicants were present at the spot at the time of the alleged incident i.e. when the injured/victim was allegedly abducted till about 11.30 on the next day. She submitted that the Applicant No.1 came in an Innova car, took the injured/victim in the car, after which, he was

taken to several places, including to Pune, in search of Mithilesh Doshi, who had also lodged a complaint against the Applicants with regard to illegal excavation of the sand. She further submitted that there are two cases which have been registered against one of the Applicants inasmuch as, C.R.No.51 of 2016 was registered with the Phaltan Police Station, Satara(Rural) for the alleged offences punishable under Sections 323, 324, 143, 149, 148, 504 & 506 of the Indian Penal Code and C.R.No.103 of 2016 was also registered with the very same police station for the alleged offences punishable under Sections 323, 379, 504 & 506 of the Indian Penal Code. As far as the Applicant No.2 is concerned, there is one C.R., being C.R.No.178 of 2013 registered with the very same police station for the alleged offences punishable under Sections 143, 147, 148, 149, 307, 504 & 506 of the Indian Penal Code. She further submitted that the Injury Certificate shows that the Complainant had received several injuries,

including fracture of the nasal bone and that all his body parts were swollen and that there were injury marks on his body.

6. Learned counsel for the Intervenor/Complainant supports the learned APP.

7. Perused the papers. The Applicants have been named by the injured/victim, in his statement. He has alleged that on 30.03.2016 at about 10.30 p.m. the present Applicants along with others came in an Innova, Xylo & Ford cars and that they placed a revolver on his head and threatened to kill him, as he had lodged a complaint for illegal excavation of sand against them. He has alleged that the Applicants compelled/forced him to sit in the Innova car. He has further alleged that at about 11.00 p.m. they took him near a shed and that the Applicants assaulted him with sticks, as he had made a complaint to the authorities, against them, for illegal excavation of the sand. He has

further alleged that the Applicant No.1 forced him to say that he receives Rs.5,00,000/- per month and the same was recorded on the mobile by the Applicant No.1. He has further alleged that the Applicants stated that they were proceeding to Pune to get Mithilesh Doshi, as he too had lodged a complaint against the Applicants, with regard to illegal excavation of sand and that Mithilesh Doshi should be killed. The Injury Certificate of the injured/victim shows that he has sustained as many as 13 injuries on his person, including nasal bone fracture. There are several bruises and swelling on various parts of his body. The statement of Mithilesh Doshi shows that Applicant No.1 had called him and was asking him why he was filing Applications under the Right to Information Act, and was lodging complaints against the Applicants, with regard to illegal excavation of sand and even threatened him with dire consequences. It also appears, that soon after the incident, the injured/victim had called Mithilesh Doshi and

disclosed to him that the Applicants and other accused had abducted and assaulted him and that Applicant No.1 had also told him, that he was even ready to go to jail and face the consequences. The CDR record of the Applicant No.1 shows that he was in Phaltan when the victim was abducted till about 31.03.2016 at 12.30 p.m. According to the injured/victim, he was taken up to Pune in search of Mithilesh Doshi. There are antecedents qua the Applicants which are of a similar nature. It is informed that the Applicants had used an unlicensed revolver to threaten the injured.

8. Considering the facts, that the Applicants have been named in the FIR and a specific overt act has been attributed to them, this is not a fit case to grant pre-arrest bail to the Applicants. The Application stands rejected.

9. If an Application for regular bail is filed, the learned Judge shall consider the same on its own merits uninfluenced by the observations made in this order.

10. At this stage, learned counsel for the Applicants seeks continuation of the interim relief. Considering the facts, the prayer stands rejected.

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