

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1231 OF 2017

Lakhan Shivaji Chavan and Anr.

....Applicants.

Versus

State of Maharashtra

....Respondent.

Mr. S.B. Rajebhosale, Advocate for applicants.

Mr. S.J. Salgare, APP for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : March 27, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the copy of F.I.R. supplied by the applicants and copies of papers of investigation supplied by the learned APP.

2. The crime is registered at C.R. No. 7/17 in Vivekanand Police Station, Latur for offences punishable under sections 385, 384, 365, 364-A, 327 r/w. 34 etc. of Indian Penal Code. One Assistant Teacher from Rajmata Jijamata Vidyalaya had some grievance against the management as management had not given him salary for many years and management was in dues of Rs. 17 to 18 lakhs. Due to the grievance, he

approached the local forum like one Nanasaheb and then men of Nanasaheb, working in the name of Chava Sangatana, started acting. Due to their pressure, the management gave amount of Rs. 9.7 lakh. Then the persons of Chava Sangatana started harassing the complainant as they wanted their share in this amount. Allegations are made that they virtually kidnapped him on 4.1.2017. They took him away. They got transfer the amount of Rs. 1,36,000/- by R.T.G.S. in the name of applicant No. 2 - Balaji Nikam. They extracted cash amount also. Nanasaheb, the leader, was with them. Allegations are made that one Chavansaheb was with them. They took him to various places. They enjoyed liquor. Their vehicle gave dash to one man and some persons gave chase to them. As they were driving the vehicle in zig-zag and rash manner and as many vehicles started giving chase to them, they stopped the vehicle and ran away. They left the complainant in the vehicle. The complainant somehow escaped and then he approached to the police. Unfortunately, said leader Nanasaheb is not available and it appears that he has filed application for anticipatory bail.

3. It appears that during investigation, when applicant No. 1 - Lakhan Chavan was shown to the complainant, when Lakhan Chavan was in police custody, the complainant said that

said Chavansaheb was different who is mentioned in the F.I.R. Only due to this circumstance, bail can be granted to applicant No. 1 - Lakhan Chavan.

4. It is unfortunate that in the names of heroes of this State like Shivaji Maharaj and Sambhaji Maharaj persons like applicants are forming organisations and are committing offences like extortion, kidnapping etc. The applicants are behind bars since 18.1.2017. At this stage, there are no bad antecedents. So, this Court holds that for giving them an opportunity to improve, bail can be granted to them. Next time, there will be no question of giving them any relief and they will be kept behind bars, if they are found committing such offences. As the amount, which was got transferred by R.T.G.S. and shown in the account of applicant No. 2 - Balaji Nikam is not shown as recovered, this Court holds that the amount needs to be recovered from Balaji and that amount has to be treated as stolen property. To make him realise that such crime will not pay, he needs to deposit atleast amount of Rs.2,00,000/- (Rupees two lakh) in the Court of J.M.F.C., having jurisdiction over this case. This amount is to be kept in the Court as stolen property. In the result, following order is made.

O R D E R

(I) Application of applicant No. 1 - Lakhan Shivaji Chavan is allowed. He is to be released on bail on his furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand). He is not to commit similar offence. He is not to tamper with the prosecution witnesses.

(II) Application of applicant No. 2 - Balaji Kisanrao Nikam is allowed. He is to be released on bail on his furnishing PR and SB of Rs. 1,00,000/- (Rupees one lakh) with one solvent surety. He is to be released only after depositing of Rs.2,00,000/- (Rupees two lakh) by him in the concern Court of J.M.F.C. and this amount is to be kept in the Court as stolen property in the present crime. He is not to tamper with the prosecution witnesses. He is not to commit similar Office.

(III) Both the applicants are not to leave Latur district without prior permission of the Sessions Court, Latur.

The observations are for bail purpose only.

[T.V. NALWADE, J.]

ssc/