

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

BAIL APPLICATION NO.242 OF 2017

Maddy @ Madhav Vitthal Shinde

... Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr.Rupesh A. Zade for the Applicant

Mr.Prashant Jadhav, APP, for Respondent – State

Mr.T.V. Khade, Police Constable, Baramati City police station,
present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 30, 2017

P.C. :

1. This application is moved by the applicant/accused for bail under section 439 of Criminal Procedure Code as the applicant/accused is prosecuted for the offences punishable under sections 363, 364(A), 324 r/w section 34 of the Indian Penal Code registered at C.R. No.2 of 2017 with Baramati City Police Station, Pune on 2.1.2017 at the instance of one Abbas Haji Shaikh. It is the case of the complainant that he had borrowed Rs.20,000/- to purchase a buffallo from the applicant/accused Rupali and co-accused Anil Waghmare. According to the complainant, he has repaid the said amount. Though he had repaid the amount, both

Anil and Rupali used to demand money from him. On 2.1.2017, Rupali, the co-accused, informed the complainant on cellphone that she had hired the applicant/accused Maddy Shinde and his associate to recover the money. Thereafter, immediately the applicant/accused Maddy Shinde alongwith one person arrived at his residence. They started assaulting the complainant with iron rod when he told them he did not have money and everything is paid off. His son Salim, his mother and wife tried to intervene and save him. At that time, they all assaulted his wife, mother as well. Thereafter, applicant Maddy Shinde took away Salim on his motor cycle and though the complainant tried to chase Maddy Shinde, he drove away on the motor cycle with Salim. Thereafter, he went to police station and gave complaint. Salim was found on the same day after some time and it was reported to the police that he was beaten up by the applicant/accused Rupali with iron rod at one isolated place.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused has not committed any offence. He is innocent. He was arrested on 8.1.2017 and he is in prison since then.

3. Learned Prosecutor has opposed the application. He submitted that the applicant/accused has kidnapped the minor son of the complainant and thereafter he was assaulted. He relied on the injury certificate. He submitted that the principal accused Ruali is also not yet arrested. The police are still investigating the matter and therefore, he is likely to pressurise the witnesses if released on bail. Moreover, he submitted that there are two case pending against the applicant/accused.

4. Perused the FIR, the medical certificate and statement of Salim Abbas. Considered the submissions of the learned Counsel for the applicant/accused as also the learned Prosecutor. The applicant/accused has acted upon the contract given to him and there are two criminal cases pending against him. He has kidnapped a minor boy. The investigation is still going on and the principal accused is yet to be arrested. Under such circumstances, at this stage, I am not inclined to grant bail. Hence, the Bail Application is rejected. However, the applicant/accused is granted liberty to apply for bail afresh after filing of chargesheet.

(MRIDULA BHATKAR, J.)