

Anand

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

ANTICIPATORY BAIL APPLICATION NO.951 OF 2017

Manoj Divakar Patne

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.U.R.Mankapure, Advocate, for the Applicant

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 13.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.88 of 2017 registered with the Koregaon Park Police Station, Pune, for the alleged offences punishable under Sections 365 and 341 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant states that an amount of Rs. 3 crores odd was due from the Complainant's husband, and that the said amount was not being returned by the Complainant's husband to the Applicant and hence, a false case

has been registered as against the Applicant. He submitted that admittedly, the Applicant was not present when the Complainant's husband was abducted on 2nd May, 2017. He further submitted that the custody of the Applicant, in the facts, is not necessary.

4. Learned APP and learned counsel for the intervenor opposed the Application. They submitted that though the Applicant was not present at the time when the Complainant's husband was abducted, the fact remains that the persons who abducted the Complainant's husband were in constant touch with the Applicant. They submitted that the Applicant could not have resorted to illegal means for recovery of the said amount of Rs.3 crores odd. Learned counsel for the Complainant has tendered an Affidavit of the Complainant. Same is taken on record.

5. It appears that an amount of Rs.3 crores odd was due to the Applicant from the Complainant's husband. The incident has taken place on 2nd May, 2017 at about 11.00 a.m. The Manager of the factory, Ravindra Shikhre informed the Complainant, that the Applicant's people had forced her husband to sit in a vehicle and that he was taken in the direction of Katraj.

The Complainant accordingly informed the police, pursuant to which, the vehicle was apprehended, four persons were arrested and the Complainant's husband Pravin was released from their custody. Admittedly, the Applicant was not present at the spot. In the peculiar facts of this case, custodial interrogation of the Applicant is not required,

6. Considering the aforesaid, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR 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 as & when called for by the investigating officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)