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

***ANTICIPATORY BAIL APPLICATION NO.1038 OF 2017***

Sandip Subhash Bhalgat

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.P.M.Patil, for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State.

API – Kenjali, Chaturshrungi Police Station, Pune

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

***DATE : 20<sup>th</sup> JUNE, 2017***

**P.C. :**

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 276 of 2016 registered with the Chaturshrungi Police Station, Pune, for the alleged offences punishable under Sections 364(A), 323, 504, 506, 34 of the Indian Penal Code and under Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act.

3. Learned Counsel for the applicant submitted that as the complainant was in need of money, the applicant had invested Rs.3,50,000/- in the complainant's business. He submitted that the allegations as against the applicant are false. He submitted that although the transaction is stated to have taken place sometime in August, 2016, the complaint was lodged only in May, 2017. He submits that no offence under Section 364(A) of the Indian Penal Code is disclosed as against the applicant.

4. Learned APP opposed the application. She submitted that the complainant had taken money from the applicant and that although the complainant had returned the money, the applicant was demanding more money. She submitted that the complainant has lodged 2 NCs, as against the applicant and one Balaji Gaikwad on 6<sup>th</sup> and 12<sup>th</sup> May, 2017 respectively. She submitted that there are eye-witnesses to the incident dated 24<sup>th</sup> May, 2017, when the applicant and Balaji assaulted the complainant and kidnapped the complainant's son.

5. Perused the papers. In 2014, the complainant – Dilip Bhansali, had taken a loan of about Rs.5 lakhs i.e. Rs.2 lakhs and Rs.3 lakhs from the applicant and had agreed to repay the same alongwith 10% interest. According to the complainant, from time to time he had repaid an amount of Rs.5,85,000/- upto August 2016, to the Applicant and Balaji Gaikwad. It is alleged that the applicant and Balaji Gaikwad had threatened to kill him, for the delay in making payment and had also threatened to kidnap his son. The complainant has further alleged that in August, 2016, the applicant and Balaji Gaikwad came to his Society, called him and told him that an amount of Rs.5 ½ lakhs taken by him, has now become Rs.15,85,000/- with interest. He has stated that the said persons disclosed to him, that he has paid Rs.5,85,000/- and demanded an additional amount of Rs.10 lakhs. It is further alleged by the complainant, that the applicant and the co-accused told him that if he fails to pay the said amount at the earliest, he would have to face dire consequences and even threatened to kidnap his son. They also told him, that they were out in a murder case, and that they were not afraid of the police and threatened him not to inform the police. He has stated that because of the said threats and fear, he did not lodge any complaint. He has further stated that when the threats became impossible for him, in

May 2017, he lodged 2 NCs with the Chaturshrungi Police Station, Pune, stating therein that the said persons were demanding interest of Rs.10 lakhs, abusing him and were threatening him with dire consequences.

6. According to the complainant, on 24<sup>th</sup> May, 2017, at about 10.30 a.m., when the complainant was proceeding with his son on the motorcycle, the applicant and Balaji restrained them and threatened the complainant, and thereafter, kidnapped the complainant's son and threatened to kill him. As the applicant and the co-accused started proceeding on the motorcycle, with the complainant's son, the complainant started chasing the applicant and pleaded with the applicant, that he would repay the money and pulled his son, pursuant to which, his son fell down and sustained an injury. Several people gathered at the spot, pursuant to which the applicant and Balaji fled from the spot. There are several eye-witnesses to the incident, who have seen the incident i.e. demand of money, kidnapping the complainant's son etc. The statement of the complainant's son, aged 9 years is consistent with the complainant's statement vis-a-vis the incident of 24<sup>th</sup> May, 2017. The complainant because of the threats had lodged 2 NC's as against the applicant and co-accused, a few day's earlier.

7. In the facts of this case, this is not a fit case to grant pre-arrest bail to the applicant.

8. Hence, the Application for pre-arrest bail is rejected and disposed of as such.

9. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

**REVATI MOHITE DERE, J.**