

Anand

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

BAIL APPLICATION NO.1397 OF 2017

Prashant Balasaheb Dharashivkar .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

BAIL APPLICATION NO.1398 OF 2017

Balasaheb Bandoba Dharashivkar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Kuldeep S. Patil i/b. Mr.S.D.Chavan,
Advocate, for the Applicants in both matters
Mr.Rajan Salvi, APP, for the Respondent – State
in both matters

CORAM : REVATI MOHITE DERE, J.

DATE : 07.07.2017

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants seek their enlargement on bail in connection with C.R.No.442 of 2017 registered with the

Satara City Police Station, Satara, for the alleged offences punishable under Sections 395, 363, 342, 504, 506, 306, 511 of the Indian Penal Code and under Sections 39 & 45 of the Money Lending Act.

3. Learned counsel for the Applicants submits that the Applicants have been falsely implicated in the said case. He submits that the alleged incident is of August, 2015, whereas the present FIR has been lodged only in June, 2017. He submits that the allegations are essentially as against Pramod Dharashivkar. He submits that the only allegations as against the present Applicants are, that when co-accused – Pramod Dharashivkar took the Complainant to their house, he was assaulted by the Applicants, Pramod Dharashivkar's mother, etc., by fist and kick blows. The Applicant – Prashant is alleged to have forcibly removed a sum of Rs.7,000/- from the pant pocket of the Complainant.

4. Learned APP does not dispute, that the only allegations as against the Applicants are as aforesaid. Learned APP submits that, due to the continuous demand of money, the Complainant attempted to commit suicide by consuming poison in July, 2016.

5. Perused the papers. According to the Complainant - Abhijeet Chavan, he had borrowed an amount of Rs.20,00,000/- from Pramod Dharashivkar (Original Accused No.1), at the rate of 10% p.m., for construction of his house. He has stated in his complaint, that from time to time, he had paid an interest on the said amount and that in all, he had paid an amount of Rs.23,60,000/-. He has further alleged that inspite of paying the amount, co-accused - Pramod Dharashivkar got the house of the Complainant transferred in his name. It is alleged that in August, 2015 at about 2.30 p.m., Pramod Dharashivkar came to his house,

threatened him and forcibly took away Gold ornaments, weighing 15 tolas from the cupboard. He has alleged that Pramod Dharashivkar, thereafter, kidnapped him and took him to his house, where the Applicants alongwith other family members assaulted him with fist and kick blows. The Applicant – Prashant is alleged to have forcibly removed an amount of Rs.7,000/- from the Complainant's pant pocket. It is alleged by the Complainant, that even thereafter, he was harassed, pursuant to which he attempted suicide, by consuming poison. The allegations pertain to August, 2015. The only allegation as against the Applicants is, that when the Complainant was brought home by Pramod Dharashivkar, the Applicants and other co-accused i. e. family members assaulted him with fist and kick blows and that the Applicant – Prashant removed Rs.7,000/- from his pant pocket. No specific role is assigned to Applicant – Balasaheb. The Applicants have been

in custody since 10.06.2017.

6. Considering the aforesaid and the role alleged against the Applicants, the Applications are allowed and the Applicants are enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station **on every Monday** between **10.00 a.m. and 11.00 a.m.** till the filing of the charge-sheet;

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

(iv) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or

change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicants to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicants' bail.

7. The Applications are allowed in the aforesaid terms and are 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.)