

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

CRIMINAL BAIL APPLICATION NO. 224 OF 2018

Dattatraya Raosaheb Magar.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. A.P. Mundargi, Sr. Counsel i/b. Mr. Sanjeev P. Kadam a/w. Mr. Bhalchandra Shinde, advocate for Applicant.

Mr. S.H. Yadav, APP for State.

Mr. D.B. Devkate, PSI, Natepute Police Station.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 30, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 22/12/2017 in Crime No. 358 of 2017 registered at Natepute Police Station for

offence punishable under section 363, 364(A), 170, 171 read with 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 7/12/2017 Smt. Ranjana Pawar lodged a report at the police station alleging therein that her son Raju had not returned home. She had suspected that Arjun Suryawanshi must have abducted him as he had been to the house as there was some transaction over the landed property earlier. Raju Pawar had returned home after two days and his statement was recorded on 9/12/2017. According to him, on 6/12/2017 he was abducted by some unknown persons. That one of them had informed him that his brother had entered into a transaction in respect of sale of 83 ares of land. He had obtained Rs. 86 Lakhs but was evading to execute any document in respect of the same.

4 It appears that the victim Raju Pawar was taken in Innova car belonging to father of the present applicant. He was taken to Gymkhana of the present applicant and there he had seen that the

boys who had abducted him were speaking to the present applicant on his cell phone. It is further alleged that thereafter, both persons along with present applicant had accompanied the victim to the office of Advocate Notary where Raju Pawar was asked to sign certain documents. Thereafter, they had paid him Rs. 2000/-, returned his SIM card and asked him to return home.

5 In the given facts of the case, prima facie it does not appear to be a case where section 364A of the Indian Penal Code could be attracted. No injury was caused to the victim. There was no demand for ransom either from the victim himself or from his relatives for releasing the victim. Hence, it cannot be said that section 364A can be attracted.

6 Prima facie it appears that there is some transaction between the victim and Yogesh Ingale. The share of Raju Pawar was sold to Yogesh Ingale and family of the victim had accepted Rs. 80 Lakhs. However, they were evading to execute the documents. Raju Pawar

had accepted the amount of Rs. 16 Lakhs, which has come to his share and therefore, Yogesh Ingale alongwith his associates had abducted Raju Pawar. It is true that Yogesh and others had used car of the applicant and the victim was taken to the Gymkhana of the present applicant. It does not appear that the applicant was interested in abducting and had no personal interest in the said documents. In view of the above mentioned facts, this Court is of the opinion that the applicant deserves to be enlarged on bail.

7 However, the observations made hereinabove are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration while decided application for quashing of FIR or discharge application or at the time of trial by the trial court.

8 Hence, following order is passed :

ORDER

(i) The application is allowed.

- (ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.
 - (iii) The applicant shall not reside at village Natepute for a period of one year.
 - (iv) Upon being released on bail, the applicant shall inform the Investigating Officer the address where he would reside for a period of one year and report to the concerned local police station on 1st Sunday of each month for a period of one year.
 - (v) The applicant shall not tamper with the evidence.
- 9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)