

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

BAIL APPLICATION NO.2802 OF 2017

Aniket Vilas Bansode & Ors. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Niranjan Mundargi i/by Mr. Prasanna A. Bhangale for the Applicants.

Mr. S.R. Agarkar, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 31st January, 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant nos. 1 and 2 are arrested on 14th August 2017 and applicant nos. 3 and 4 are arrested on 23rd August, 2017 in Crime No.519 of 2017, registered at Faujdar Chawdi Police Station, Solapur City, for the offences punishable under Sections 364, 364(A), 392, 143, 149, 323, 504 and 506 read with 34 Indian Penal Code.

3 It is the case of the prosecution that on 14th August, 2017, Shivanand Ramesh Yerte lodged a report at the police station alleging therein that he is running catering business. He had borrowed a loan of Rs.1,20,000/- from the applicants i.e. Rs.40,000/- each from the applicants. He was returning the loan amount by paying instalments of Rs.24,000/- per month. According to the first informant, though he had almost returned the whole amount of loan, he was being harassed by the applicants. The first informant has narrated several incidents including 16th March, 2016 and 23rd March, 2016, wherein he was threatened by the applicants. It is alleged that on 13th August, 2017 at about 11.30 to 11.45 am., when he was passing from front of Paradise Hotel, the present applicants alongwith others had accosted him on their motorcycles. Thereafter he was made to sit in a Irtiga vehicle and he was threatened that unless he agrees to repay the whole amount, he would not be released. He was being threatened that he would be taken to Akkalkot and eliminated there. Finally he was taken to Patratalim by the applicants. According to the complainant, his friend Pramod Pawar had seen the incident. It is alleged that the complainant was made to go to the terrace of Patratalim and before any untoward incident occurred, the police had reached the spot. According to the complainant in all probabilities, Pramod Pawar had informed the police about the incident. It is pertinent to note that no harm was caused to the complainant. There was no demand of

ransom. It appears that the first informant was in all probabilities abducted for recovery of amount, which was given as hand-loan. The investigation is completed and charge-sheet is filed. Hence, taking into consideration the above mentioned facts, this Court is inclined to enlarge the applicants on bail.

4 Learned APP submits that one of the accused namely Rahul alias Babu Vishnu Bansode is absconding and he has been charge-sheeted in Crime No. 79 of 2004 for the offences punishable under Sections 302, 364, 144, 147, 149, 120(B) of Indian Penal Code and under Sections 3(25) of Arms Act etc. Karan Madan Bansode i.e. applicant no. 3 is an accused in Crime No.299 of 2015, whereas Mayur alias Chhotu Bansode, i.e. applicant no.4 is an accused in Crime No.104 of 2011, whereas Ankush Ram Waghmare, i.e. applicant no.2 is an accused in Crime No.86 of 2008. The case is registered against Ankush Waghmare and Somesh alias Karan Bansode are Chapter cases, whereas applicant no.4 Mayur is prosecuted under Section 307 Indian Penal Code. Be that as it may, the applicants have been in custody for more than five months. In the above mentioned facts, the applicants deserve to be enlarged on bail upon imposing certain stringent conditions.

5 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall

not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

- 1 The application is allowed.
- 2 The applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.
- 3 The applicants shall not reside in Solapur City till framing of the Charge.

(*Smt. Sadhana S. Jadhav, J*)