

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

ANTICIPATORY BAIL APPLICATION NO. 2582 OF 2018

Navnath Jalindar Shelke

...Applicant.

Vs.

The State of Maharashtra

...Respondent.

Mr. U.R.Mankapure for the Applicant.

Smt. Rutuja Ambekar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE 14th December, 2018

PC :

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No.1373 of 218 dated 26.11.2018 registered with Hadapsar Police Station, District Pune under Sections 365, 342, 324, 323, 143 and 147 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. for the State. Perused the record of investigation.
3. The first information report is lodged by Mukesh R. Kumar a

teacher by profession. It is stated that the informant entered into a partnership with the applicant and formed an academy by name "Concept Foundation" The said firm was conducting coaching classes near Amnora Mall, Hadapsar, Pune. The said firm suffered loss of Rs.4,00,000/- at the end of April, 2018. It is stated that the informant accepted liability of the said loss and subsequently started his own classes under the name of Concept Tutorials. The applicant thereafter started demanding money towards the compensation of loss to which the informant denied on the ground that, he had already paid the amount of loss. That on 25.11.2018 at about 11,00a.m. the applicant along with other accused persons abducted the informant and took him near D Mart, Sasane Nagar, Hadapsar, Pune and assaulted him with fist and kick blows. Thereafter the applicant forced him to sit in a four wheeler vehicle and took him near PWD Rest House at Yawat. During the travel the informant was again assaulted by fist and kick blows by the accused persons. At Yawat the applicant along with other accused persons illegally detained the informant in PWD Rest House. In the morning of 26.11.2018 the informant was dropped near Alandi in Pune District. The informant has given his statement to the police when he was admitted in Noble Hospital.

4. The learned counsel for the applicant submitted that, there were monetary transactions between the applicant and the first informant and due to the dispute arising out of the said transaction the informant has falsely implicated the applicant. He therefore, prayed that the applicant may be protected by pre-arrest bail.

5. The first information report is self eloquent and in detailed narrated the incident of abduction and assault on the first informant. There is no dispute about the fact that, the statement given by the informant to the police has been treated as FIR. As noted earlier, the first informant has himself stated in the report that, as their partnership firm suffered loss, the applicant was demanding compensation from him and due to the said dispute arising out of monetary transaction on the date and time of alleged incident the applicant abducted the informant and there after assaulted him mercilessly. The record indicates that, a strong prima facie case against the applicant showing his clear complicity in the crime has been made out. The police are yet to trace out the other persons who have helped the applicant in the present crime. The vehicle used in the crime is also yet to be seized. The investigation of the present crime is at nascent stage and if the applicant is protected by re-arrest bail, the investigation of

the present crime will undoubtedly be hampered.

6. In view of the above and considering the gravity of the offence and serious allegations against the applicant, the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)