

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

ANTICIPATORY BAIL APPLICATION NO.137 OF 2019

Sanjay Gulabrao Mohite & Ors.

.. Applicants

Versus

The State of Maharashtra

.... Respondent

- Mr. Rahul S. Kate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.
- Mr. Bharat M.Chandanshiv, PSI, Karad City p.stn. is present.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th JUNE, 2019

P.C. :

1. Applicants are seeking anticipatory bail in connection with C.R.No. I 158 of 2018 registered with Karad City Police Station, Pune, under sections 385 and 324 r/w. 34 of the Indian Penal Code. The FIR is lodged on 21/02/2018 by one Dhairashil Jagtap who was working as a Manager with a Restaurant/Dhaba. According to him, there was dispute between one Vikram and the present applicant No.1 in respect of accounts of income of this Dhaba. Vikram and the present applicant No.1 were the partners and there was dispute between them. There were case and counter case against each other for which police had taken preventive

action against both of them. On 20/02/2018 ar around 11.00p.m. in the night Vikram was abducted from the hotel. He was taken in the vehicle, he was assaulted. His eyes were covered by a cloth strip and hands were tied. He was forced to drink some liquid and after some time he was left on the road.

2. Subsequently he was rescued and was admitted to hospital. In the mean time, the manager lodged the FIR which is registered as mentioned earlier.

3. I have perused the investigation papers including statement of victim Vikram and is injury certificate. The statement of victim Vikram regarding abduction is in consonance with the story mentioned in the FIR. Vikram has stated that on 20/02/2018 at about 10.30p.m. he was abducted and was assaulted as mentioned earlier. While he was in the car he heard passengers talking with each other in low voice. They were telling one Mohite that the job was accomplished. According to the victim that Mohite was the present applicant No.1. As mentioned earlier, this version is supported by the medical certificate of Vikram which shows six injuries.

4. Shri. Kate, learned counsel for the applicants submitted that the applicants are falsely implicated because of business rivalry. The applicant No.1 is already granted bail in another incident, where there was allegation of assault on victim Vikram by unknown persons. He submitted that thus present applicants are being continuously implicated in false cases.

5. Considering that the statement of the victim is supported by the medical certificate and also taking into account the past history between the applicant and the victim Vikram, at this stage, there is a scope to believe that offence has been committed at the instance of the present applicant. For that purpose custodial interrogation of the applicant No.1 is necessary. However, at this stage, there is no material available showing direct involvement of the applicant No.2. She being a lady deserves protection of anticipatory bail in this case.

6. Hence, the following order :

ORDER

(i) The application for applicant No.1 is rejected.

- (ii) In the event of arrest of applicant No.2 in connection with C.R. No.I 158 of 2018 registered with Karad City Police Station, the applicant No.2 is directed to be released on bail on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)