

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

CRIMINAL BAIL APPLICATION NO. 1678 OF 2019

Sanjay Dharma Pawar

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Sarang S. Aradhye with Mr. Milind Prabhune, Advocate for the Applicant.
- Mr. S. H. Yadav, APP for the State.
- Mr. B. H. Patil, API, Vijapur Naka Police Station, Solapur.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th AUGUST, 2019

P.C. :

1. The applicant is seeking his release on bail in connection with CR No. 347/19 registered at Vijapur Naka Police Station, Solapur for the offences punishable under Sections 363, 364-A, 379, 143, 147, 148 read with Section 149 of the IPC and under Section 135 of the Maharashtra Police Act.

2. The applicant is arrested on 13th January 2019 and since then he is in custody. The FIR is lodged by the victim Ashok Chavan on 4th January 2018. The informant has stated that one Shivraj Rathod had called him on 3rd July 2018 and had asked that

the informant should meet him. On the next day i.e. on 4th July 2018 at about 8.30 a.m. three persons came on two motorcycles. The informant knowing them as Ravi Jadhav, Deepak Rathod and the present applicant. They forced the informant to come with them. They did not listen to the informant's fervent plea to release him. All the three, including the present applicant forcefully kept him on one of the motorcycles. The applicant sat behind him. All of them proceeded towards the market. The informant thereafter was forced to sit in a Scorpio jeep. The applicant and accused Deepak Rathod forced him to sit in the car. Both of them sat on either side of the informant. He was taken to the house of accused Shivraj Rathod. Shivraj's wife locked the room from inside. Shivraj started assaulting the first informant with cricket stump. It is alleged that the other accused Ravi Jadhav, Deepak Rathod and the present applicant were holding the informant while he was being assaulted. The accused Shivraj Rathod was angry with the informant because according to Shivraj, his wife has lost election as the informant had canvassed for some other candidate. The informant was asked to pay Rupees Ten Lakhs within eight days.

The informant was given threats that if such amount was not paid, his family would be finished. The informant's gold chain was taken away by accused Ravi Jadhav. Thereafter, accused Ravi Jadhav left the informant near Nutan Prashala and then left from there. The informant called his brother and told him about the incident. After some time, the police came and took him to the police station. There, he lodged his FIR. The informant was taken to medical officer for treatment.

3. Investigation was carried out and the charge-sheet is already filed.

4. Heard, Mr. Aradhye, learned counsel for the applicant as well as Mr. Yadav, learned APP for the State.

5. Learned counsel for the applicant has submitted that all the co-accused including Shivraj Rathod, his wife, Ravi Jadhav and Deepak Rathod are on bail today. Deepak Radhod and Ravi Jadhav, who had played similar role as the present applicant, were granted bail by the court of sessions. He submitted that considering the allegations against the present applicant, he also deserves grant of bail on the ground of parity.

6. Learned APP submitted that the applicant has played a major role and had abducted the informant from his house. The offence is serious and therefore, bail should not be granted.

7. I have considered these submissions. I have perused the investigation papers. At this stage, there is no reason to doubt the version of the informant given by him in his FIR. He is supported by his wife Sangeeta and sister Kavita. Sangeeta had seen the informant being taken away from the house and Kavita had seen the informant being forced in the Scorpio jeep in the market. The charge-sheet also contains the injury certificate of the informant. He has suffered four simple injuries in the nature of blunt trauma.

8. Apart from this, there is one more circumstance in the form of recovery of the motorcycle at the instance of the present applicant. Thus, at this stage, the prosecution has sufficient material to show the involvement of all the accused including the present applicant. However, the role of the present applicant cannot be separated from that of the co-accused Ravi Jadhav and Deepak Rathod. Both of them were all the time together with the present applicant. Therefore, if they are granted bail; on the

ground of parity present applicant also deserves to be released on bail.

9. The investigation is already over. The applicant's further custody during the entire period of pendency of the trial will not serve any purpose. The informant has not suffered any serious injury. The informant was allowed to go. All these factors are important for consideration of granting bail to the present applicant.

10. In view of these observations, I am inclined to allow this application. Hence, the following order:-

ORDER

(I) The Applicant is directed to be released on bail in connection with C.R. No.347/19 registered at Vijapur Naka Police Station, Solapur, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)