

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2361 OF 2019

Nathaji @ Navnath Shrikant Kalel,
Age 35 years, Occ.Business, R/o.Valai, Post.Virli,
Tal.Man, Dist.Satara. (Presently detained in Jail) Applicant
versus
The State of Maharashtra Respondent

Mr.Rahul S. Kate for applicant.
Smt.Geeta P. Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 27th November 2019

PC :

1. This is an application for bail in CR No.380 of 2018 registered with Sinhagad Road Police Station, Pune for offences under Section 364 r/w Section 34 of Indian Penal Code and under Section 3(25) of Arms Act, 1959 and under Section 37(1) of Bombay Police Act, 1951.
2. The incident is dated 29th August 2018. The FIR was lodged on the same day. The applicant was arrested on 30th August 2018.
3. The case of prosecution is that the complainant was married to the victim. It was an inter-caste marriage. The family of the complainant was against this marriage. The brother of the complainant and the other accused including the applicant, who are related to her, had abducted the husband of complainant. He was taken in the vehicle. One of the accused was armed with revolver. The accused were also carrying other weapons in the vehicle. The victim was assaulted. He was threatened. He managed to flee from the clutches of accused. He approached Police and lodged the FIR.

4. Learned counsel for applicant submitted that the case is false. The victim was in the custody of the accused for about two days. If there was any intention to kill the accused, they would have committed the said act. The injuries sustained by the victim are not of serious nature. The applicant was granted bail for temporary period on account of illness of his mother. During the period of bail the applicant did not indulge into act of threatening the witnesses. The applicant is in custody since 30th August 2018. Trial has not commenced.

5. Learned APP submitted that the offence is serious. The victim could have been liquidated by the accused. The applicant was armed with weapon/revolver which was handed over to the co-accused at the time of incident. The victim was continuously assaulted and kept in captivity by the accused. He had suffered several injuries. In the event bail is granted to the applicant, it would be dangerous to the life of complainant and the victim. The application preferred by the co-accused has been rejected by this Court.

6. On perusal of the statement of witness it is apparent that he was subjected to assault. He was abducted. The accused were possessing weapons. The offence is of serious nature. The version of the victim is corroborated by medical certificate. Considering the circumstances, no case for grant of bail is made out. Hence, Criminal Bail Application No.2361 of 2019 is rejected.

(PRAKASH D. NAIK, J.)