

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

ANTICIPATORY BAIL APPLICATION NO. 2023 OF 2019

Sachin Nivrutti Kute

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Ghanshyam Jadhav i/b. Biju A. Aloor, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for the State/Respondent.

Mr. Rajendra Vishnu Bankar, PC-2723, Otur Police station, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.24 of 2019 registered with Otur Police Station, under sections 307, 395, 364, 323, 324, 506 r/w. 34 of the Indian Penal Code.

2. The offence is lodged by one Kantaram Gholap. He has stated that he was aware that there was a dispute between Ganesh Salkar, Nivrutti Kute and the applicant. On 06/02/2019 at about

5.00p.m. the informant saw that the applicant and Suresh Pansare forced Satyawar to sit on a motorcycle and he was taken to Nagar Kalyan Highway where a four wheeler was standing. He was forced to sit in that four wheeler. Suresh told the informant that they were planning to kill Satyawar. Thereafter the four wheeler was taken towards Otur. The informant then told about this incident to his relatives. They tried to search Suresh, but he was not found. Therefore, informant lodged this FIR initially under sections 364, 323, 506 r/w. 34 of IPC.

3. The investigation was carried out and it appears that the victim himself was left near Bori village. With the help of villagers, the police were informed.

4. It was noticed that the victim was assaulted and, therefore, other sections were included.

5. Heard Mr. Ghanshyam Jadhav, learned counsel for the Applicant, Smt. A. A. Takalkar, learned APP for the State.

6. Learned counsel for the applicant submitted that the applicant was falsely implicated due to previous dispute. He submitted that the injuries suffered by the victim are simple

injuries and the version in the FIR is highly exaggerated. He submitted that the applicant is willing to co-operate with the investigation, therefore, his custodial interrogation is not necessary.

7. Learned APP opposed this application and produced before me the papers of investigation carried out so far. I have perused those papers. There is a injury certificate shows that the victim Satyawar had suffered as many as 10 injuries on his back and legs. Though, all the injuries are described as simple injuries, the dimensions were not small. On the back, there are injuries of the length more than 7 cm. Therefore, it is apparent that he was definitely assaulted. These are not self inflicted injuries. The statement of Satyawar himself shows that he was taken away forcefully by the applicant and others. He was taken to the house of applicant. Thereafter the applicant had tried to strangle him by pressing his neck. His mobile phone and gold chain was removed forcefully. The applicant recorded photograph showing that the victim was misbehaving with the applicant's wife. He was assaulted by the applicant and others. The victim was made to

change his clothes because they were blood stained. He was given another shirt to wear. The applicant and others had consumed liquor and, therefore, the victim rescued himself and went to Bori village and with the help of villagers, police took him to police station.

8. The FIR was lodged before the victim was found, therefore, there was no occasion for the victim and the first informant to concoct a false story by discussing among themselves. The statement in the FIR is supported by the subsequent statement of the victim himself. The investigation shows that the incident had indeed occurred and the victim was abducted and assaulted. Therefore, looking to the gravity of the offence, custodial interrogation of the applicant is necessary. There are allegations of removal of valuables from the victim, as well. In this backdrop, no case for anticipatory bail is made out. Custodial interrogation of the applicant is necessary.

9. The application is rejected.

(SARANG V. KOTWAL, J.)