

Vat

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

BAIL APPLICATION No. 2626 OF 2019

Sameer Valmiki Khedekar	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Vaibhav Kulkarni a/w. Ms. Riddhi Jangam a/w. Ms. Pooja
Agarwal for Applicant
Ms. A. A. Takalkar, APP for State/Respondent

CORAM : SARANG V. KOTWAL, J.

DATE : OCTOBER 14, 2019

P.C.:

1. The Applicant is seeking his release on bail in connection with C.R. No. 158 of 2018 registered with Sahakarnagar Police Station on 29th May, 2018 under sections 364(A), 386, 323, 294, 504, 506 of the Indian Penal Code and under Section 32(B) of Maharashtra Money Laundering Act. The Applicant was arrested on 1st June, 2018 and since then he is in custody.

2. The FIR is lodged by one Usha Salunkhe. She is the mother of the victim Mahesh Salunkhe. She has stated in her FIR that she had taken a loan from one Sangita Gaikwad to the tune of Rs.50,000/-. She had repaid Rs.35,000/- but still that lady was

demanding the entire principal amount. The Applicant was residing in the same locality. About 3 months prior to the said incident in May, 2019, the Applicant came to her house and told her that she should repay the loan taken from Sangita Gaikwad. On one occasion, Mahesh Salunkhe had told the informant that the Applicant had threatened him at the point of knife. The Informant told Sangita Gaikwad that if any harm was caused to Mahesh, Sangita's loan would not be returned and at that time Sangita had threatened her. On 28th May, 2018, at about 9.30 p.m. she received a phone call from her son Mahesh's mobile phone. Mahesh told her that he was abducted by the Applicant and he was demanding Rs.10,000/-. The Applicant had spoken with the informant during that phone call. He told the Informant that he was sending a person to her house and asked her to pay money to him. Shortly, Mahesh's friend Swapnil Lokhande came to her house and asked for money. The Informant, in the meantime, called police. They came to her house. She informed them about the incident. They started taking search. At about 2.00 a.m. in the night her son Mahesh came back. He informed her that the Applicant and one Sagar Budde had taken him forcefully on two wheeler from Talaji Bus Stop and took him to ground near Mohan

Nagar. He was assaulted with belt. On the basis of the said information, FIR was lodged.

3. During the investigation, the statement of Mahesh was recorded. He has stated that on 28th May, 2018 at 9.00 p.m. the Applicant and Sagar Budde came to him when he was waiting at the Talaji Bus Stop. He was forced to sit on their two wheeler. He was taken to a ground near Mohan Nagar and then the Applicant started demanding money and started assaulting him with a belt. Thereafter the witness has described the incident as described in the FIR. In the night, the Applicant realized that police were taking search for Mahesh, at that time, they released Mahesh.

4. I heard learned counsel Mr. Vaibhav Kulkarni for the Applicant and Smt. A.A. Takalkar, APP for the State.

5. The learned counsel for the Applicant submitted that it is impossible that the incident could have taken place in the manner in which it is described by the victim. It is not possible that the two boys could have abducted the victim on their two wheeler. It is improbable that the victim did not raise any shouts at that time. No weapon was used while abducting Mahesh. He, therefore, submitted that the Applicant was falsely implicated. He submitted

that the co-accused Sagar Budde is released on bail and other accused was juvenile and, therefore, he may also be released on bail. He submitted that the Applicant did not have any money transaction with the victim or his brother. The Applicant did not want any money for himself. The Applicant is unnecessarily arrested in the said offence.

6. Smt. A.A. Takalkar, learned APP for the State opposed this bail application. She submitted that the sections 364A as well as 386 of the IPC are properly applied in this case.

7. I have perused the statement of the Informant and more particularly I have perused the statement of Mahesh Salunkhe. The statement is supported with the statement of one Ram Gaikwad, who had seen the Applicant assaulting Mahesh in the ground at Sambhaji Nagar. When he saw the victim and the Applicant, he went near the victim. Swapnil Lokhande is another witness, who had supported the prosecution case as narrated in the FIR. He went to the spot with the police.

8. Thus at this stage, it is apparent from the record that the incident had taken place where the Applicant had assaulted the victim in the ground near Mohan Nagar. This was witnessed by the

victim's friend Ram Gaikwad. But the victim was not confined in any place . The victim had not suffered any serious injuries. He suffered three contusions and blunt trauma at two places. The Applicant had not used any weapon. The Applicant did not cause any serious injury to the victim. The investigation is over and considering all these aspects as well as taking into consideration this fact that the Applicant is in custody more than one year, I am inclined to grant bail to the Applicant. Hence, the following order:

ORDER

- (i) The Applicant be released on bail in connection with C.R. No. 158 of 2018 registered with Sahakarnagar Police Station, on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Bail application is disposed of accordingly.

[SARANG V. KOTWAL, J.]