

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

ANTICIPATORY BAIL APPLICATION NO.2211 OF 2019

Vikas Balasaheb Madne Applicant

versus

The State of Maharashtra Respondent

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- Mr. Devidas J. Jadhav, Advocate for Applicant.
- Mr. S. H. Yadav, APP for the State/Respondent.
- Mr. D. K. Sonanis, Police Havaldar, Baramati Taluka Police Station, Pune Gramin present.

CORAM: SARANG V. KOTWAL, J.
DATE : 10th OCTOBER, 2019

P.C. :

The applicant is seeking anticipatory bail in connection with C.R. No.723/2019 registered at Baramati Taluka Police Station, Pune Gramin, under Sections 327, 324, 363, 343, 143, 147, 149 and 506 of IPC.

2. The FIR is lodged by one Santosh Babar on 14/9/2019. He has stated that, on 12/9/2019, he was leaving his house for attending his duty. He reached his company gate at

MIDC, Pimpri at around 1.30 p.m. At that time, he received a phone call from one Dattatray Madne who was known to the informant. Dattatray told him that he should not go to attend his work. Dattatray had some work with the informant and he asked the informant to wait at the gate. Accordingly, the informant waited there. After some time, one four wheeler came near the gate. It was driven by Dattatray. He asked the informant to sit in the car. There was one more person in the car. He was taken to Katphal chowk. At that time, applicant was present there. He sat in the car near the informant. Then the car was taken to CTEN Chowk. Dattatray purchased some beer bottles and then went towards Saval village. They were joined by another four wheeler and two motorcycles. There were four passengers in the car and in all four other persons on the motorcycles. All of them got down. The applicant also get down. Dattatray demanded Rs.50,000/- from the informant which was the amount due from the informant according to Dattatray. When the informant sought time to make that payment, the applicant held him from behind. He was

assaulted on legs and shoulder. Others also joined in the assault. The applicant removed gold ring from his hand. Dattatray removed Rs.14,000/- from his pocket and then he was again kept in the car and left at CTEN Chowk. Before leaving, accused threatened the informant. On these allegations, the FIR is lodged.

3. Heard Mr. Devidas Jadhav, Ld. Advocate for the Applicant and Mr. S. H. Yadav, Ld. APP for the State/ Respondent.

4. Mr. Jadhav, Ld. Counsel for the Applicant submitted that the incident had occurred on 12/9/2019 and the FIR is lodged on 14/9/2019. Thus, there is delay in lodging the FIR. He submitted that Dattatray was arrested and money was recovered from him. Therefore, no purpose will be served if the applicant is arrested. His custodial interrogation is not necessary.

5. Ld. APP, on the other hand, submitted that the medical

examination of the informant has revealed that he has suffered fracture to his left hand and the police are in the process of adding Section 326 of IPC in the present offence.

6. I have considered these submission. The allegations in the FIR are quite serious. The applicant was forcibly taken to a secluded spot by 10 to 12 persons. He was assaulted. In the assault, he suffered fracture. His cash and gold ring was removed. A specific role is attributed to the applicant. Considering the gravity of the offence and necessity for interrogation, no case is made out to grant anticipatory bail. Hence, the following order.

ORDER

- (i) The application is rejected.
- (ii) The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)