

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 293 OF 2020

Nagesh Dattatray Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Prashant Patil i/b Mr. Prashant S. Hagare, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

Mr. G. M. Hipparkar, (P.C.) Indapur Police Station, Dist. Pune, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 4th February, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 539 of 2019 registered with Indapur Police Station, Dist. Pune for offences punishable under Section 364(A), 386, 394, 342, 324 r/w Section 34 of Indian Penal Code and Section 25(4) of the Arms Act.

2. The case of the prosecution is that the complainant is resident of Padshatal, Tal Indapur. It is alleged that while the complainant and his brother were in Indapur Sub-Jail, they got acquainted with Ganesh Bhimrao. On 13th September, 2019 at about 12.30 p.m. complainant was on the way to Indapur from Padashtal in his Bolerao Jeep bearing No. MH-42 AH 2396. At about 1.00 p.m. he

received phone call of Ganesh Bhimrao Padalkar from mobile phone of another person and told complainant with to come his jeep near Bridge on Baramati road. Complainant went near bridge on Baramati road and met Ganesh. He boarded jeep and told him to take jeep, they reached on high way road towards Bhigwan, when Ganesh told complainant to take the Jeep near Mallinath Math, Ganesh told complainant to wait and went to meet his friend. After one hour he came on Motorcycle. Ganesh told complainant on his motorcycle to a room behind Talim at Bhigwan Bazaar, when they went inside the room one person with face covered with cloth stood behind complainant and another person stood in front of him. He pointed revolver at complainant Ganesh and others assaulted him from blunt side of sword and took mobile phone, Key and Rs. 25,000/- from his pocket. Complainant was threatened and told to make phone call to his brother to bring Rs. 50,00,000/- and assaulted him. Complainant was assaulted by some weapon on his left eye. He sustained injury. He was tied to bed with exes covered by cloth, threatened and assaulted. He was threatened that until his brother brings Rs. 50,00,000/- he will not be released. Ganesh slept besides him. The complainant untied himself and went to police station and got himself admitted in hospital.

3. The applicant preferred an application before the Sessions

Court which has been rejected by order dated 22nd January, 2020.

4. Learned Counsel for the applicant submitted that applicant has been falsely implicated in this case. His name is not reflected in the FIR. There was no reason for the applicant to indulge in alleged activity. The family of the applicant is financially sound, as his father is involved in business. The description of the applicant in the FIR do not match with the applicant. The applicant is student and taking education in 12th standard and he is supposed to appear in examination which would commence on 18th February, 2020. Except the statement of the co-accused there is no evidence against the applicant to show his link in the crime. There are no call records between applicant and the co-accused. The applicant has been falsely implicated in this case. He has no criminal antecedents. Custodial interrogation is not necessary.

5. Learned APP submitted that investigation is in progress. The co-accused is absconding. The investigation has revealed the involvement of the applicant in the crime. The statement of owner of the premises were recorded. In which the victim was confined by the accused. The said witness has stated that, the applicant had introduced the arrested accused to the said witness. The witness has also attributed role of closing the window by plywood.

6. I have perused investigation papers. The complicity of the applicant is disclosed during the course of investigation. The FIR proceeds with allegations that the accused had covered their faces. The co-accused has revealed the involvement of applicant. The owner of the premises stated that the applicant and co-accused had approached. The said witnesses stated that the applicant and the accused No.1 Ganesh Padalkar who has been arrested and told her that they were going to start the factory in the said premises and to avoid in disturbance to neighbours, they had closed the windows by plywood. Thus, prima facie the investigation had disclosed the involvement of the crime. Hence, no case for grant of bail is made out.

7. Hence, I pass the following order :

ORDER

Anticipatory Bail Application No. 293 of 2020
stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)