

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1306 OF 2020

Somnath Hindrao Sathe .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. H.V. Kenjalkar with Mr. Minal Kamble for the Applicant.

Ms. M.M. Deshmukh, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 18TH DECEMBER, 2020.

P.C:-

1. The Applicant seeks his release on bail in C.R. No.305 of 2020 and advance a submission that the role attributed to him is limited, of being present at the scene of offence when the offences under Sections 384 and 395 of the IPC are alleged to have been committed. C.R. No.305 of 2020 is registered with Vaduj Police Station, Pune on 26/09/2020 thereby invoking Sections 384, 395 and 420 of the IPC against five accused persons and the Applicant is implicated as Accused No.5.

2. The FIR is lodged by one Pradip Shinde, who has alleged that in the year 2016 his brother Sandip Shinde had purchased one dumper of Ashok Leyland Company from one Balasaheb Irle. In the year 2020, he sold the dumper to one Ganesh Satpute for Rs.14,55,000/- by a notarized document. At that time, Ganesh Satpute had deposited an amount of Rs.4,65,000/- with the Shriram Finance Company and promised to pay the remaining amount within one month. A blank cheque in the name of Nilesh Jadhav drawn on HDFC Bank was also issued. In terms of the promise, the money was not paid and, therefore, he questioned him and got a reply that the dumper is not being hired and, there is no income from it. The allegation is that Ganesh Satpute was evading payment. This resulted into a complaint being filed by Complainant in Atpadi Police Station. He was called to the police station for the purpose of interrogation. At that time, Nilesh Jadhav and Atul Pawar had come there. They threatened him that if he wants the money, he should pay Rs.50,000/- to them otherwise he will have to forgo the balance amount. He borrowed an amount of Rs.10,000/- from his friend and paid the same to the duo. They also threatened him to arrange for the balance amount of Rs.40,000/- and only then he will get the amount due from Ganesh Satpute. The finance company was also behind the Complainant to repay the loan amount which constrained him to approach Ganesh Satpute. At that time, Atul Pawar, Nilesh Jadhav

and Sachin Jadhav and the present Applicant were present there. Nilesh Jadhav and Atul Pawar again threatened him to pay the remaining Rs.40,000/- and when he pleaded before them, he was assaulted by Nilesh Jadhav. Another incident is reported to be on 25/09/2020 when the Complainant along with his brother Sandip and Appa Jadhav telephoned Ganesh Satpute for payment, but he did not answer the phone. Nilesh was then contacted and they were asked to come near Vaduj ST stand. When they approached there, the Applicant along with two unknown persons arrived in a black coloured Fortuner vehicle and it is alleged that the Complainant, his brother Sandip and his friend Appa Jadhav were verbally abused saying that how they have come to ask for money and they should first pay Rs.40,000/-. Sachin Jadhav is alleged to have removed Rs.3,000/- from the pocket of the Applicant. It is alleged that they were also threatened with dire consequences. This is the precise allegation in the FIR and the role attributed to the Applicant.

3. *Prima facie* by referring to the FIR, it cannot be said that the Applicant is alleged to have done any extortion warranting invocation of Section 384 of the IPC. As far as offence under Section 395 of the IPC is concerned, the Applicant cannot be implicated in the said offence. Further, as regards offence under Section 420 of the IPC is concerned, the FIR does not disclose any material against the Applicant, at this stage.

4. Accepting that the FIR is not an encyclopedia and the investigation carried out pursuant to the FIR will have to be looked into while granting the application for bail, learned A.P.P. was not able to place on record any material other than the one mentioned above, qua the present Applicant. He has been arrested on 26/09/2020 i.e. the day on which the offence was registered. He was remanded to police custody till 01/10/2020 and the police had an opportunity to interrogate him. In the light of the aforesaid facts, I am of the opinion that there is no need for the continuation of the custody of the Applicant and he is entitled to be released on bail. However, since the investigation is not complete, stipulation that he will cooperate with the investigation, the following order will meet the ends of justice.

ORDER

- (a) The Applicant – Somnath Hindrao Sathe, shall be released on bail in C.R. No.305 of 2020 is registered with Vaduj Police Station, District Pune on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with facts of case and shall not tamper with prosecution evidence.

- (c) The Applicant shall co-operate with the investigation and attend to the Police Station as and when required by the Investigating Officer.

5. The Application is allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

SMT. BHARATI DANGRE, J.