

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**14 ANTICIPATORY BAIL APPLICATION
NO.206 OF 2021**

...
**PANDURANG NAVNATH HULGE
VERSUS
THE STATE OF MAHARASHTRA**

WITH
**ANTICIPATORY BAIL APPLICATION
NO. 208 OF 2021**

...
**SANJAY S/O. DASHRATH KASABE
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr.R.R.Karpe, Advocate for the applicants in both
applications.
Mr.V.S.Badakh, APP for the respondent-State.
...

**CORAM: MANGESH S. PATIL, J.
DATE : 03.05.2021.**

P.C.

1] These are the applications under Section 438 of the Criminal Procedure Code as the applicants are apprehending arrest in connection with the Crime No.403 of 2020, registered with Dhadgaon Police Station, District Nandurbar for the offence punishable under Section 365 r/w. 34 of the Indian Penal Code.

2] In short the allegations as can be made out from the FIR and the papers of the investigation are to the effect that one Udaysing, who works as a labour supplier, had received some money but had failed to provide labour for harvesting sugarcane crop from Solapur District. Since the applicants had paid money by way of advance, they had come to Dhadgaon insisting for supply of labour or repayment of money that was advanced. It is alleged that having seen that neither of their demand was being met they abducted Delsing and took him to a field in the Solapur District where he was confined in a farm house. After day or two he could manage to escape and incidentally could see a police jeep of Tembhurni Police Station. After he narrated the incident, he was provided primary medical aid and was then handed over to the Dhadgaon Police where the FIR was lodged by his father and the offence was registered.

3] Learned Advocate for the applicants would submit that Delsing was not knowing either of the applicants. Therefore, there is serious dispute as to the identity of the persons who had abducted him.

4] Learned Advocate would submit that the allegations in the FIR are palpably false inasmuch as if really it is Udaysing who had recovered the advance payment, it would have been he who was the best person to be abducted. There is no reason why Delsing was abducted. Again, learned

Advocate would point out that if really the incident had taken place in the manner narrated in the FIR, Udaysing would have immediately lodged the complaint with Police or at least would have intimated the informant, who happens to be the father of the Delsingh and would not have waited for the father to make an enquiry regarding the whereabouts of Delsingh.

5] Learned Advocate would then submit that the applicants are not criminals. They had already advanced huge money and were at the most insisting Udaysing for keeping his promise to provide labour. Nothing is to be recovered from or discovered by the applicants. They are ready to co-operate the Investigating Officer. They would be put to disrepute if they are arrested. Their custodial interrogation is not necessary. The applications be allowed.

6] Learned APP opposes the applications. He submits that at this juncture statement of Delsing, who is the victim, is sufficient to disclose involvement of both the applicants in commission of the crime. The statement further discloses as to how though he was not knowing the applicants, he could get knowledge about their names because of telephonic conversation while he was being abducted and transferred from Dhadgaon to Solapur District. He has specifically stated about having been confined in a place which was a farm house in some agricultural field. He has also stated about

having escaped from the place of confinement and could find police from the Tembhurni Police Station.

7] Considering the fact that there was motive coupled with actual act of abduction, the custodial interrogation of the applicants is highly necessary.

8] Learned APP would then submit that as a sequel with the above episode, even another crime had to be registered against applicant – Pandurang and co-accused Vaibhavnath when they used criminal force against the police party which had been to their place to arrest them. He would therefore submit that even for this reason no protection in the form of anticipatory bail be granted to the applicants.

9] I have carefully gone through the papers of the investigation. At this stage, there is enough material to reveal that, indeed, Delsing was abducted from his native and was confined in the shed for couple of days in an agricultural field.

10] Though Delsing was not knowing either of the applicants or the co-accused, he has specifically narrated as to how he could get knowledge about their names during the course of telephonic conversation which these applicants had indulged into in the journey from Dhadgaon to Solapur. Obviously, it would be necessary to resort to test identification parade for which custody of the applicants would be necessary.

11] Delsingh has further stated about having been confined in the field of the applicant – Sanjay. Even in that respect custodial interrogation would be necessary.

12] Apart from these state-of-affairs, it is quite apparent that there was a strong motive from the applicants inasmuch as they had parted huge money and were insisting for either supply of labour or repayment of money.

13] Further, the applicant - Pandurang had used criminal force against the police party who had been to his place to arrest him in connection with the present crime and regarding which episode Crime No.572 of 2020 stands registered against him with Tembhurni Police Station for the offences punishable under Section 353, 323, 225 etc. of the IPC.

14] Considering all the aforementioned facts and circumstances, in my view, this is not a fit case where the applicants can be granted anticipatory bail.

15] Applications are rejected.

[MANGESH S. PATIL, J.]

DDC