

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 240 OF 2021

1. Pratap Narsing Datar,
Age: 29 years, Occ. Agr and Business,
R/o Belgam Tq. Kaij, District Beed
2. Sangram Narsing Datar,
Age : 35 years, Occu. Agri and Business,
R/o Belgam Tq. Kaij, District Beed
3. Narsing Limbaji Datar,
Age : 60 years, Occu. Agriculture,
R/o : Belgam Tq. Kaij, District Beed. ... Applicants

Versus

The State of Maharashtra,
Through Police Station, Kaij,
Tq. Kaij, District Beed ... Respondent

...
Advocate for Applicants : Mr. Choudhari N. L.
APP for Respondent- State : Mr. V.S. Badakh

...
CORAM : MANGESH S. PATIL, J.

DATE : 25.06.2021

PER COURT :-

1. The applicants are seeking bail in the event of their arrest in connection with Crime No. 03 of 2021 registered with Police Station Kaij, Taluka Kaij, District Beed for the offence punishable under Section 364-A of the Indian Penal Code.

2. The allegations in the First Information Report (FIR) are to the effect that the informant is a Headmaster and was Sarpanch of the

village during the period 2013-2017. Infrastructural works were undertaken by the Gram Panchayat during that period. Since thereafter, the applicants were demanding him an amount of Rs.25,00,000/- (Rs. Twenty Five Lakhs) as ransom in respect of the Gram Panchayat work completed during his tenure. They also threatened to defame him by circulating message on the social media and newspaper.

3. He then alleges that on 30th December 2020, the applicants arrived in front of his house and hurled abuses and even threatened to abduct him. They also assaulted him. It is then alleged that in the same night when he was travelling on his motorcycle, three unknown persons tied his hands and legs and he was taken to a field. These unknown persons by using their phone established connection between the applicants and him and during that conversation, they repeated the demand for ransom. He then somehow fled from the spot.

4. Learned Advocate for the applicants would submit that FIR is a figment of imagination and a cock and bull story. The contents are riddled with improbabilities. Infact, the informant had assaulted applicant No.1 for which he was hospitalized during the period during which the alleged incident is stated to have taken place. A separate FIR is also registered against the informant in that respect. He would submit that the applicants are permanent residents of the village and are involved in public work. They are not likely to jump the bail. They are

cooperating the Investigating Officer. Their custodial interrogation is not necessary as nothing is to be recovered. The application may be allowed.

5. Learned APP opposes the application. He submits that offence is serious, punishable upto death. There is a statement of the owner running Jaggery plant, to the effect that the informant had arrived at his establishment wherefrom he made phone call to his brother and was taken to the hospital. At this juncture, when investigation is at the nascent stage, Investigating Officer cannot be expected to unearth the material. He is entitled to resort to custodial interrogation of the applicants. At this stage, there are strong and concrete allegations against each of the applicants. A statement of the informant has also been recorded under Section 164 of the Cr.P. C. to the same effect. The application be rejected.

6. I have carefully gone through the papers of investigation. It is the matter of record that the incident is stated to have taken place more than six months back, still vital piece of evidence in the form of CDR and SDR have not been recovered by the Investigating Officer. Going by the allegations, only circumstance linking the applicants is the conversation which they allegedly had with informant when he was in the confinement.

7. It is important to bear in mind that the informant himself has been involved and has been implicated for assaulting applicant No.1. It cannot be a sheer co-incidence that the incident has taken place around the same time.

8. Considering the nature of allegations and aforementioned facts and circumstances, in my view, there is no sufficient reason to refuse bail though the offence is punishable upto death.

9. The application is allowed. In the event of arrest of the applicants, in connection with Crime No. 03 of 2021 registered with Police Station Kaij, Tq. Kaij, District Beed for the offence punishable under Section 364-A of the Indian Penal Code, they shall be released on bail on their executing a personal recognizance for an amount of Rs.25,000/- (Rs. Twenty Five Thousand) each and furnishing a solvent surety each in the like amount subject to following conditions -

- (a) They shall attend the concerned Police Station on four consecutive Wednesdays starting from 30th June 2021 between 12.00 noon and 3.00 p.m and shall co-operate the Investigating Officer.
- (b) They shall not tamper the evidence or influence the witnesses,
- (c) They shall not try to contact the informant.

(MANGESH S. PATIL)
JUDGE