

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.557 OF 2021

GANESH BHIMRAO PADALKAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Sachin Thombare, Advocate for the Applicant.

Smt.Anamika Malhotra, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

RESERVED ON : 21st OCTOBER 2021
PRONOUNCED ON : 26th OCTOBER 2021

P.C. :

1 The present application has been moved by the
applicant under Section 439 of the Code of Criminal Procedure in
Crime No.539 of 2019 registered with Police Station Indapur, for
offences punishable under Section 364(A), 383, 394, 342, 324
read with 34 of the IPC and under Section 25(4) of the Arms Act.

2 It is the case of the prosecution that on 13th September 2019 applicant took informant to Bhigwan. It is alleged that the applicant with the help of two unknown companions confined him in a room, tied his hands and legs and caused injuries. It is further alleged that he also removed Rs.25,000/- and a mobile handset from his person and illegally confined him there. It is further alleged that the applicant also demanded ransom amount of Rs.50 lakh and threatened to kill him and even rang up his brother repeating the said demands.

3 Mr.Thombare, learned counsel for the applicant, submits that the investigation in the matter has already been completed leading to filing of the charge-sheet. The other two accused have also been released on bail. In such circumstances, the present application deserves to be allowed.

4 Smt.Anamika Malhotra, learned APP, on the other hand, invited my attention to the statement of the brother of the informant from whom the applicant and others had demanded

the ransom amount of Rs.50 lakhs. According to the learned APP, there is sufficient material on record indicating the complicity of the accused in the offence. In such circumstances, there being no merit in the application, the same is liable to be rejected.

5 I have gone through the investigation papers including the statement of brother of the informant. He supports the contents of the First Information Report (FIR). Although the informant has alleged in his FIR that he was assaulted by the applicant and others, however, during the course of submission, the learned counsel invited my attention to the letter written by Dr.Mangesh Patil, Nilkanth Hospital and I.C.U. Center, to the Police Inspector, Indapur Police station, Indapur, about the admission of the informant in the hospital. It also shows the history of assault by unknown persons. The learned counsel wanted to impress upon me and that is rightly so, that this letter nowhere reveals that the applicant was also one of the assaulter along with those unknown persons. Rather, it shows the assault by unknown persons. It may not be out of place to mention here

that the applicant is very much known to the the informant. Had the informant been assaulted by the applicant, also his name would have been revealed by the informant to the Medical Officer while giving history of incident at the time of his admission in the hospital.

6 The next document is Injury Certificate issued by Dr.Mangesh Patil of the said hospital which shows assault at the hands of unknown persons and all the injuries allegedly sustained by the informant were simple in nature, allegedly caused by means of hard and blunt object.

7 Apart from above, it is also important to note that the alleged offences are neither punishable with death or life imprisonment. Moreover, again there is no dispute to the fact that the charge-sheet has already been filed. Having regard to the totality of the case of the prosecution and as also circumstances, in my considered opinion, no purpose would be served by keeping the applicant behind the bars. This being so, I

am inclined to allow the application. Hence, the following order :

ORDER

- (i) Applicant – Ganesh Bhimrao Padalkar shall be released on bail in C.R.No.539 of 2019 registered with Police Station Indapur, on his executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in like amount.
- (ii) 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.
- (iii) The applicant shall attend the concerned Police Station on the first Monday of every month, till the Charge is framed.
- (iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (v) The application is allowed in the aforesaid terms.

(V. G. BISHT, J.)

AVK

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