

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 361 OF 2021

Shrikant Sitaram Otle ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Samarth Karmarkar a/w Mr. Subhash Samukhrao i/b. Karmarkar and Associates, Advocate for the Applicant.

Ms. M. R. Tidke, APP for the Respondent – State.

Mr. Santosh Sarjerao Ghagde, P.S.I. Nalasopara Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th FEBRUARY, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 458 of 2020 registered with Nalasopara Police Station, Dist. Palghar for offences under Sections 365, 143, 147, 149, 323, 504 & 506 of Indian Penal Code. The FIR was registered on 22nd December, 2020

2. According to complainant one Prakashsing Thakur arranges loans through banks. The complainant wanted to obtain home loan and hence he had handed over documents to him. He knows Prakashsing Thakur since last three months. He learnt that the

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applicant had mortgaged his flat with Prakashsing Thakur and obtained loan of Rs.9,70,000/- from him. On 20th December, 2020 at about 8.00 p.m. the complainant along with Prakashsing Thakur and Dipak Karande had visited the house of Tejas Gaikwad for dropping the articles. At that time applicant and six other persons came their by vehicle. Prakashsing Thakur managed to run away. The applicant inquired about whereabouts of Thakur. He informed them that he ran away after noticing them. The complainant was forced to sit in the vehicle. One of the accused said that complainant would return the money owed by Prakashsing Thakur. The complainant was taken towards Ahmadabad-Mumbai Highway at Shobha Hotel. On the way, he was assaulted by fist blows. The applicant asked him his residential address. They confirmed the address. The accused threatened him that he should pay the amount owed by Thakur otherwise he will be killed and thrown him crick. He was assaulted. Thereafter, he was taken to Bhoydapada and left there at about 12.30 in the night. He was also paid the amount of Rs.100/- for boarding auto-rickshaw return home. Thereafter, the complainant called Dipak Karande and Sachin Gawali who dropped him at his residence.

3. Learned advocate for the applicant submitted that, entire story is concocted. The applicant had purchased the premises

from Prakashsing Thakur by parting consideration. However, in spite of making payment to him possession was not given to the applicant. He relied upon the copy of sale deed dated 12th October, 2020. Mr. Prakashsing Thakur avoiding to handover the possession and in connivance with complainant fabricated false story and lodged the FIR.

4. Learned APP submitted that the complainant had sustained injuries on his person. There are three eye witnesses to the incident. The role has been attributed to the applicant. He was instrumental in abducting and assaulting the complainant.

5. I have perused the FIR, injury certificate and the documents annexed to this application. It is apparent that the applicant had purchased the premises from Prakashsing Thakur and according to applicant possession of the property is not handed over to him. The complainant is no way concerned with the said transactions. According to complainant he was acquainted with Prakashsing Thakur since he intended to obtain home loan and his documents were given to him. Surprisingly complainant states that property was mortgaged by applicant for loan with Mr. Thakur. The injury sustained by the complainant are in the nature of redness to eye area and neck pain. The eye witnesses were the persons

acquainted with Prakashsing Thakur. The complaint itself mentions that Prakashsing Thakur, complainant and other persons were together at the time of incident. It is pertinent to note that complainant was left there by the accused. If the case of the complainant is to be believed, it is clear that he was abducted and without getting any money from him, he was released. In the light of the aforesaid circumstances, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 361 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with in C.R. No. 458 of 2020 registered with Nalasopara Police Station, Dist. Palghar, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the investigating officer on 17th, 18th & 22th February, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)