

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

ANTICIPATORY BAIL APPLICATION NO. 523 OF 2020

Uday Kumar Ramdhan Kori & Ors. Applicants

Versus

The State of Maharashtra Respondent

Mr. Aniket Nikam i/b. Amit Icham for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.
Mr. Vikas Shivarkar, for Intervenor.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd MARCH, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 26 of 2020 registered at Talegaon MIDC Police Station, on 19/02/2020, under sections 365, 343, 323, 507, 504, 506 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Aniket Nikam, learned counsel for the applicants and Smt. Takalkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is

lodged by the first informant Dr. Vasant Aneraye. He has stated that, he is in medical profession and in addition he supplies Doctors, nurses and Ambulance to various hospitals and companies. He was in need of finance for his business. Therefore, he had taken loan from the applicant No.1 Uday Kori to the tune of Rs.55 lakhs. However, the documents showed that the loan was to the tune of Rs.70 lakhs. Till filing of the F.I.R. he had paid Rs.45 lakhs by way of interest and the informant was intending to return the rest of the amount. Because of this dispute regarding money the applicant No.1 started threatening him. On 07/02/2020 the applicant No.1 called the informant to a construction site of Ranka Developers at Ambi. The informant along with Dr. Amol Lavande and his driver Santosh Lobhe went to Ambi at 7:00p.m. All the applicants were present there. The applicant No.2 told him that they had to go to Lonavala to see a bungalow and flats. The informant was made to sit in applicant No.2's car. He was taken to Lonavala. On the way the informant was beaten. He was told to transfer his flat at Kharadi in the name of the applicant No.1. The informant was also told to transfer his land in his village in the

name of applicant No.1. The informant was taken to the office of Sukhwani Builders at Lonavala. Again there he was beaten and again he was taken back to Ambi. There he was kept in confinement in a flat in a building where the construction is still going on. The applicant No.1 sent an email from e-mail ID of the informant to the informant's brother Vijay. That e-mail contains proforma of no objection certificate for transferring the flat at Kharadi. On 08/02/2020, the applicant No.1 came to that flat where the informant was confined and the informant was taken to the office of applicant No.3. There, the applicant Nos.1, 3 and 4 threatened him. He was taken to Thergaon and he was beaten there. The applicant No.2 met them there. Then the informant was taken to Lonavala. He was made to call his father and the informant was told to tell his father to transfer his land in the name of applicant No.1. In the night, again the informant was brought to the applicant No.2's site. The informant's brothers Kapil, Vijay and Sanjay were called there. They were threatened and they were directed to transfer their land and flat in the name of applicant No.1. Then they got his signature on some text

mentioning that the informant was residing there with his free will. Then they took photographs showing that the informant was in comfortable position. Till 09/02/2020 the informant was still in that flat. On 10/02/2020 the applicants went to the informant's brother's office at Kothrud and demanded documents of their property. The brothers of the informant told them that it was not possible to transfer this flat because third party interest was created. However, the informant's father told them that the land in their village would be transferred and he pleaded that they should release the informant. But he was not released. On 12/02/2020, the informant was taken to a hotel near Pune station. There the informant's brother Sanjay was called. By seizing the opportunity to escape, the informant and his brother escaped from there and went to Nanded, came back and then lodged this F.I.R.

4. Shri. Nikam submitted that the money transaction between the applicant No.1 and the informant is admitted in the F.I.R. itself. In fact, Rs.70 lakhs was taken by the informant by way of loan under two M.O.U.s. and one agreement. The informant had given cheques for security but the applicant No.1 had not encashed

them. He relied on CCTV footage of the hotel where the informant was taken. He submitted that the clippings of the CCTV show that the informant was not under any coercion or duress. He submitted that there is delay in lodging of F.I.R. and this delay has remained unexplained.

5. Learned counsel for the informant, as well as, learned APP opposed this application. Learned counsel for the informant submitted that the informant was apprehending threats to his life and, therefore, he had gone to Nanded to save himself and only coming after back, he lodged his F.I.R. The applicant had approached the police station at Nanded but no further steps were taken by Nanded Police station to lodge F.I.R. or transfer that F.I.R. to Pune.

6. Learned APP, on instructions, submitted that the informant had approached the concerned police station on the date of F.I.R. and the I.O. was not aware whether he had approached the police station at Nanded. Learned APP relied on the statements of the witnesses who had seen the applicant kept in confinement. They were informant's driver Santosh, his brother

Kapileshwar. There is a statement of the informant's friend Dr. Amol Lavande who had seen the informant being taken away by the applicant when he was abducted. Similarly, this witnesses also had seen the informant kept in confinement by the applicants. This witness had given clothes and some snacks to the informant when he was kept in confinement in a flat at the site of the applicant No.2.

7. I have considered these submissions. The statements of the witnesses mentioned above are important. They had seen the applicant when he was confined in a flat. At this stage, there is no reason to doubt their story. The delay in lodging of F.I.R. is also understandable. The informant was kept in confinement from 07/02/2020 to 12/02/2020 and after his escape the informant had gone to Nanded to save himself. The allegations in the F.I.R. indicate commission of offence punishable under section 365 of IPC. Apart from that, even ingredients of section 364A of IPC are also made out, though, that offence is not specifically applied by the investigating agency, as of today. The offence is quite serious. The informant was kept in confinement and in inhuman manner

he was constantly kept under pressure. He was forced to tell his family to transfer the property in the name of applicant No.1. The CCTV footage does not really help applicants' case because the informant has explained that, at the earliest, they escaped from that hotel itself. Particularly, taking into consideration the statements of the witnesses who had seen the informant having been detained, there is definite corroboration to the F.I.R. lodged by the first informant. Therefore, though the applicants were on interim protection and though they have attended the police station, custodial interrogation to find out details of the entire events during which informant was kept in confinement is necessary. Therefore, custodial interrogation of the applicants is necessary. Besides this, the offence is serious. Therefore, even considering the gravity of offence, I am not inclined to extend protection of anticipatory bail in favour of the applicants.

8. The application is rejected.

(SARANG V. KOTWAL, J.)