

Girish @ Anil Uttamrao Kadam & Ors. .. Applicants

Versus

The State of Maharashtra .. Respondent

CORAM: BHARATI DANGRE, J.
DATED : 9th JULY, 2021

1. The complaint is lodged by one Aniket Raj, who is a student of engineering in Bharati Vidyapeeth College. The complainant is resident of State of Bihar. The complainant was acquainted to applicant No.1 and he had assisted him in securing a flat when he came from State of Bihar for the purpose of education. One Nikhil Kadam, Girish Kadam and Deepak Singh stated to be the persons, who used to give money to the students on interest. Prior to eight months back, he had obtained a hand-loan of Rs.20,000/- from Girish Kadam and agreed to pay 10% interest. Prior to two months, the complainant also sought hand-loan of Rs.1,00,000/- from Nikhil Kadam, who told him that he would obtain the money from one Nilesh Pawar, who was into money lending business, but it would come with interest of 20%. Since, the complainant was in dire need of money, amount of Rs.1,00,000/- was transferred to his account in installments and Rs.30,000/-

were also borrowed by him from Deepak Singh. The complainant states that he used to repay the amount in installments, but since in the current month he was unable to repay the amount, a demand was made by Deepak Singh by forwarding him a message, which he responded by saying that he do not have money. The other persons, who had advanced loan to the complainant started demanding their money back.

The complainant then refer to an incident dated 18th May, 2021 when the accused persons arrived at the spot and started abusing the complainant, who was present with his friends and they also called up his father and asked him to send the money. The accused persons were assured that the money would be paid back. The allegation is that the accused persons present started abusing and assaulting him on the ground that the money was not returned. The complaint then narrates the future events where it is projected that he was abducted and placed in a room where he was again abused and assaulted.

2. Co-accused Nikhil Kadam and Deepak Singh, who are specifically attributed a role in the complaint, have been released on bail by the Additional Sessions Judge, Pune on 03/06/2021 and 11/06/2021 respectively. The role attributed to the applicants is of a similar nature, only difference being the applicants are seeking bail in the event of their arrest whereas other co-accused are released on bail, after their arrest. When the complaint is perused, the complainant, in great detail, has narrated the chronology of events specifying the particular role to the applicants and other accused persons. When asked, learned APP states that the

complainant was not sent for medical examination as he did not receive any injury. The complaint could thus reveal that the amount was due to the applicants from the complainant and they were demanding the amount advanced by them to the complainant. The submission of the learned counsel for the applicants is that since the amount was demanded back, they are foisted with the false case of kidnapping the complainant.

3. Taking into account the events narrated in the complaint, which resulted into registration of FIR, no custodial interrogation of the applicants is necessary. The prosecution has not expressed any apprehension that the applicants would not be available for trial or would flee away the courts of justice. Hence, the applicants are entitled to be released on bail in the event of their arrest, subject to the following conditions.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in C.R.No.427 of 2021 registered with Bharati Vidyapeeth Police Station, District Pune, applicant No.1-Girish @ Anil Uttamrao Kadam, applicant No.2-Ganesh @ Tushar Balu Mankar, applicant No.3-Harshavardhan Subhash Funde and applicant No.4-Atul Rajendra Pasalkar shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- each with one or two sureties of the like amount.

(c) The applicants shall report to the concerned police station as and when called for and shall co-operate with the investigation.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

SMT. BHARATI DANGRE, J