IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1304 OF 2020

Sandip Dattatray Jadhav .... Applicant
Versus
The State of Maharashtra .... Respondent

WITH
INTERIM APPLICATION (ST) NO. 2823 OF 2021

Rohan Rajendra Chavan .... Intervenor

In the matter between

Sandip Dattatray Jadhav .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Aniket Nikam i/b. Vivek Arote for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.
Mr. Paresh More, for Intervenor.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.1060 of 2017 registered with Satara City police station, on 28/12/2017, under sections 395, 392, 323, 504,

506, 452 and 363 of the Indian Penal Code (for short 'IPC') and under sections 39 and 45 of the Maharashtra Money Lending Act, 2014. The applicant was arrested on 07/12/2018. The investigation is over and the charge-sheet is filed.

2. Heard Shri. Aniket Nikam, learned counsel for the applicant, Smt. Lohokare, learned APP for the State and Shri. Paresh More, learned counsel for the Intervenor.

3. The First Information Report (for short 'F.I.R.') is lodged by one Rohan Chavan on 25/12/2017. He has stated that, in June 2012 he was in need of money. He made inquiries. His friend Rohit Mohite introduced him to the main accused Pradip Jadhav. He is applicant's brother. It is his case in the F.I.R. that the informant met Pradip and sought financial help. Pradip offered to give him loan with higher rate of interest. Pradip wanted a signed blank stamp paper and a blank cheque. The F.I.R. mentions that on various occasions the first informant obtained loan of Rs.40,000/-, Rs.30,000/- and Rs.20,000/-. In February, 2013 suddenly, Pradip told the informant that, he had to pay higher interest than what was agreed. The repayment was becoming onerous for the

informant. It is alleged that, Pradip started threatening him. In June 2013 the informant was called at Powai Naka, Satara. He met Pradip there. Pradip was accompanied by the present applicant, Rohit Mohite and two others. The informant was threatened and Rs.5000/- were forcibly taken from him. The F.I.R. then mentions instances when the informant and his family members were threatened. In 2013 the accused forcibly took signature of the informant's father on a stamp paper signifying transfer of the informant's house in Pradip's name. The F.I.R. further mentions that, on 31/05/2014 the informant and his parents were taken to the Sub Registrar's office and a document was registered showing transfer of their house property in the name of Pradip. The F.I.R. mentions that on each of these occasions, present applicant was present with his brother Pradip. They were also accompanied by Pradip.

4. Shri. Nikam submitted that the allegations are not true. The applicant had nothing to do with the financial transaction of his brother Pradip. He submitted that, informant's story is not true which is shown by supplementary statement,

wherein he has completely exonerated Rohit Mohite. Supplementary statement of the informant was recorded on 07/01/2018. In that statement the informant has stated that, though he had described Rohit having been present on every such occasions of issuance of threats etc. he had named him out of anger and frustration. Shri. Nikam, therefore, submitted that, informant's story, admittedly, is not true. He further submitted that, similar is the case that of informant's parents and brother. At the first instance, they had implicated Rohit and through supplementary statement they had exonerated the aforementioned accused Rohit.

5. Learned APP relied on the charge-sheet and statements of other witnesses.

6. The first informant has filed an intervention application in this matter which is taken on record. It contains an affidavit. It is mentioned in paragraph No.4 of that affidavit that the intervenor i.e. the first informant had no objection for grant of bail to the applicant.

REASONS:

7. With the assistance of learned counsel for the applicant, as well as, learned APP, I have perused the charge-sheet. As rightly submitted by Shri. Nikam, the first informant, his parents and brother have exonerated one of the accused Rohit Mohite and they have admitted that they deliberately had named him out of anger. Therefore, these witnesses are not absolutely reliable witnesses. There is possibility that present applicant is also roped in just because he is brother of main accused Pradip. A registered document dated 31/05/2014 shows that, it was signed by Pradip Jadhav as purchaser and the informant's family as the other party who had sold the house. At that time, no grievance was made at the Sub Registrar's office. Said document was executed and registered in the year 2014 and F.I.R. is lodged in the year 2017, that delay speaks for itself. In this backdrop, the affidavit filed by the first informant giving no objection for releasing the present applicant on bail has more significance. Taking into account all these factors, the applicant has made out a case for grant of bail.

8. Hence, the following order :

ORDER

(i) In connection with C.R.No.1060 of 2017 registered with Satara City police station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) Application stands disposed of accordingly.

(iii) In view of disposal of this bail application, the Interim Application (ST) No.2823 of 2021 also stands disposed of.

(SARANG V. KOTWAL, J.)