

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

21 ANTICIPATORY BAIL APPLICATION NO.709 OF 2022

**PRADIP UTTAM RATHOD
VERSUS
THE STATE OF MAHARASHTRA**

WITH

ANTICIPATORY BAIL APPLICATION NO.587 OF 2022

**1. RANJEET LACHIRAM CHAVAN,
2. BALAJI LACHIRAM CHAVAN.
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

WITH

ANTICIPATORY BAIL APPLICATION NO.635 OF 2022

**1. BASWARAJ BABURAO PILLE,
2. SOMSEKAR SHARAN APPA,
3. SHIVANAND APPARAO JABA.
VERSUS
THE STATE OF MAHARASHTRA**

WITH

CRIMINAL APPLICATION NO.1836/2022 IN ABA/635/2022

WITH

CRIMINAL APPLICATION NO.1837/2022 IN ABA/587/2022

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Advocate for Applicants in ABA/709-22 & 635-22 : Mr. Rodge
Krishna P.

Advocate for Applicants in ABA/587/22 : Mr. Rajendra S.
Deshmukh i/b Mr. Devang R. Deshmukh.

APP for Respondent/s-State : Mr. V. S. Badakh.
Advocate for Applicants in Cri.Appln. to assist APP :
Mr. Ingole Govind Rangrao.

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CORAM : S. G. MEHARE, J.

DATE : 13.06.2022

PER COURT :-

1. The applicants have been arraigned as accused in

Crime No.71 of 2022, registered by Police Station Loha for the offences punishable under Sections 365, 342, 120-B, 323 and 324 of the Indian Penal Code.

2. The wife of the allegedly abducted person lodged a report on 30.03.2022 alleging that the Incident happened on 26.03.2022 at about 4.30 p.m. She has alleged that one phone call was received on the phone of his son Kapil from his friend Anil Bharat More informing him that his father had been abducted by four unknown persons from Super Market Kaman, Hande Hospital. So she and his son immediately reached the alleged spot of the incident. A person sitting there told them that a few unknown persons abducted her husband in one Ertiga Car. It has also been alleged that two days before the incident, all the applicants had been to her home demanding money due for their work. Since her husband could not pay the money to the applicants, they plotted a conspiracy along with 3-4 unknown persons who abducted her husband. She has expressed apprehension about detaining her husband in unknown place. On 28.03.2022, she received a phone call demanding a ransom of Rs.5,50,000/- to release her husband. She had promised to repay the money, but they did not release her husband. Therefore, she lodged a report on 30.03.2022.

3. Learned counsel for the applicants vehemently argued that this is not only a concocted story but apparently false case is registered against the applicants since they were demanding their dues from the husband of the first informant. They do not own the Ertiga car, and the phone number from which the ransom was demanded is also not of any accused. The prosecution has not denied that the person abducted had to pay a huge amount to the applicants, and he was avoiding paying the money. Since he wanted to avoid paying such a huge amount, the abducted person, with the help of his family, has cooked a false and concocted story to see the applicants behind the bar. The story of beating the abducted person with sticks and plastic pipes is also afterthought.

4. Learned senior counsel Mr. Deshmukh would point out that there is variance in the alleged place of detention. The person abducted, in his application for permission to assist the APP stated that he was kept in a sugar factory and Degloor after the abduction. This inconsistency raises serious doubt about the truthfulness of the allegations. The accused, released on interim anticipatory bail, have attended the police station. The police did not interrogate the applicants about the alleged weapon and the vehicle in which the person was abducted. One month is on granting them

interim protection, and the police did not make any material investigation as regards the place of alleged detention. The applicants are from good families having no antecedents to their discredit.

5. So far as applicant Pradip is concerned, learned counsel Mr. Rodge would argue that on 26.03.2022, he was appointed as an Invigilator for the 10th Standard Examination at Khanapur, Taluka Degloor. He was discharging his duty as Invigilator till 8.00 p.m. He is a Teacher. He has produced on record the documents showing his presence at the examination centre. He has been implicated falsely in the crime.

6. The learned counsels for the applicants would submit that this false story has been concocted only to avoid the payment of dues. Nothing is to be recovered and discovered from the applicants. Hence, the ad-interim bail granted to them may kindly be confirmed.

7. Per contra, learned APP along with learned counsel Mr. G. R. Ingole, who was allowed to assist the learned APP, would submit that the statement of the persons abducted was recorded on 30.03.2022. He has specifically named the applicants and disclosed how he was abducted and where he was detained. He also argued that he was not only abducted

but also mercilessly beaten. He specifically pointed out that he has contusions and abrasions over his body. Ranjeet Chavan and Shivanand Jaba beat him with sticks and a plastic pipe. He has also referred to the injury report submitted with the case diary. The custodial interrogation for the recovery of weapons is necessary. The offence being serious, the applicants are not entitled to the anticipatory bail.

8. Perused all the applications and the investigating papers placed before this Court. It is an admitted fact that the alleged incident happened on 26.03.2022. The FIR reveals that the complainant reached the spot after the alleged abduction. No prompt report was lodged on the date of the incident. The FIR was registered on 30.03.2022 at 21.07 hours. The statement of the person allegedly abducted is also recorded on 31.03.2022. He has stated that on 30.03.2022, at about 8.00 p.m., he left Bidar and sat in Depot to go to the Udgir. Thereafter, anyhow he reached the home. Soon after his release, he had an opportunity to lodge the report where the so-called abductors left him. But instead of lodging the report, he returned to his village Loha. The injury report reveals that he was examined on 31.03.2022, and the age of injury does not match the date of the incident. The fact that the amount was due to be paid to

the applicants is not denied by the prosecution. There are various circumstances that raise the suspicion as regards the abduction at the hands or at the instance of the applicants. The possibility of cooking a story suitable to implicate the applicants cannot be ruled out. The conditional interim bail was granted to help the investigation officer to interrogate. However, there was no progress in the investigation. Considering the facts, circumstances and delay in lodging the report, this Court is of the view that the ad-interim relief granted to the applicants is liable to be confirmed. Hence, the following order :

ORDER

- (i) The applications are allowed.
- (ii) The ad-interim anticipatory bail granted to the applicants is confirmed on the same bail bonds on the condition that the applicants shall attend the concerned Police Station as and when called on written notice.
- (iii) The criminal applications to assist the APP stands disposed of.

(S. G. MEHARE, J.)

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