

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

BAIL APPLICATION NO. 940 OF 2022

Ravindrasingh Laxmansingh Jangi	... Applicant
Versus	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 949 OF 2022**

Omsingh Dayalsingh Thakur	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. S. S. Thombre, Advocate for applicant in BA/940/2022
Mr. N. S. Ghanekar, Advocate for applicant in BA/949/2022
Mr. N. T. Bhagat, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 19th JULY, 2022

PER COURT :-

These are the applications for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0181/2022, registered with Bhagyanagar Police Station, Nanded District Nanded, for the offences punishable under Sections 420, 467, 468, 447, 385, 386, 120-B r/w 34 of the Indian Penal Code.

2. Both these applications are taken up together since they arise from one and the same crime. The First Information Report (FIR) has been lodged by one Smt. Kirandevi Gupta. It has been averred in the FIR that a land bearing Survey No.50 situated within the limits of Nanded Municipal Corporation was subdivided into residential plots. The Plot No.3 was purchased by the informant's husband. He is no more. Plot Nos. 1 and 2 were purchased by Kamalkishor Gupta and one Ajit Jilhewar. The names of the purchasers have been recorded in the city survey record of the plots. Due to untimely demise of the informant's husband, she has to raise a hand loan of Rs.20 Lakh from her brother-in-law Navalkishor Gupta. The same has been repaid in 2020.

3. It is further alleged that in 2018-2019, the applicants and their two associates started obstructing the informant's possession over the plots owned by her and her brother-in-law. Navalkishor had therefore lodged the FIR against them. The informant had also lodged similar complaint on 10.08.2019 against unknown persons. On lodging of the FIR, the involvement of the applicants came to light. The Civil Suit (R.C.S. No.408/2016) was instituted. It was compromised. Shri Ketan Nagada, a building

contractor had acted as go between for settlement. The informant sold her property in Pune. A bank loan on the said plot was repaid. Rs. 29 Lakh were paid to Ketan Nagada. Rs. 20 Lakh were paid to the brother-in-law Navalkishor. Again a sum of Rs.50 Lakh were paid to Ketan Nagada. The matter thus came to be settled in October 2019. The brother-in-law Navalkishor sold his plot to one Farande. The informant gave her plot for development. Half of the construction is complete. The applicant Omsingh has started giving threats to the informant with a view to extort her. He also gave threat to the life of the informant's son. The conspiracy has been hatched to extort the informant and her family members. A sum of Rs.99 Lakh has already been received as an extortion. Since the informant gave threats to his life, the FIR came to be lodged.

4. The learned APP would submit for rejection of the application on the ground that the informant is a widow. The applicants have been indulging in serious crimes. Their involvement is writ large.

5. The learned Advocates for the applicants would, on the other hand, submit that it was a civil dispute. The same has been settled. The informant herself admitted the disbursement of the

amount as detailed in the FIR. The applicants are behind the bars for long. Investigation is over. They, therefore, urged for grant of application.

6. Considered the submissions advanced. Perused the FIR.

7. Admittedly, the informant and her brother-in-law owned three plots at Nanded. A civil dispute arose over those plots. The suit (R.C.S. No.408/2016) was therefore instituted. The informant, her brother-in-law, applicants herein and others were parties thereto. The suit has been settled. A compromise decree came to be passed on 23.10.2018. The informant has stated in the FIR as to how a sum of Rs.99 Lakh was disbursed. Close reading of the FIR would indicate that post settlement, the applicants are alleged to have started giving threats to the informant and her family members with a view to extort money. This is the substance of the FIR. The payment of a sum of Rs.99 Lakh appears to be towards settlement of the civil suit. In this factual backdrop, pre trial, detention of the applicants is not warranted. The Court is therefore inclined to grant them bail. Hence, following order:

ORDER

(i) The Bail Applications are allowed.

- (ii) The applicants be released on bail in connection with Crime No.0181/2022, registered with Bhagyanagar Police Station, Nanded District Nanded, for the offences punishable under Sections 420, 467, 468, 447, 385, 386, 120-B r/w 34 of the Indian Penal Code , on their executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with surety bond each of the like amount.
- (iii) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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