

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1242 OF 2022

KRUSHNA KALYAN TARMAL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Somnath G. Ladda
APP for Respondent/State : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 26-09-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. Perused the investigation papers of the prosecution as well as the papers tendered by the applicant.
3. The learned counsel for the applicant has a case that the husband of the complainant has cheated many poor agriculturists and made promise to make the money double within a short time. He collected money from various farmers including the applicant. On 04.08.2022, they went to the office of the Sub Registrar, as they knew that the husband of the complainant came there, to demand their money. That time, he made a phone call to one person at Pune. He called him at Pune. Therefore, he voluntarily

went with them to meet the said person whom he had called. They were staying at Ranjangaon. The husband of the complainant never attempted to flee away. However, a false report has been lodged by the complainant alleging that the applicant have kidnapped her husband. It has been vehemently argued by the learned counsel for the applicant that to avoid payment of the huge amount of the poor farmers, deliberately to be report has been lodged against the applicant with a view that no one should demand the money back.

4. The police suddenly came on the lodge where the applicant and the husband of the complainant were staying. However, on 05.08.2022, she sworn in an affidavit contending that she has lodged the report due to misunderstanding. Her husband went to the applicant at his own. It has also been argued that the applicant has been falsely implicated in the crime. The husband of the complainant has given a false statement to save the skin from paying the money of poor agriculturists. The husband of the complainant was at fault. The applicant and others were simply demanding the money which they had paid to the husband of the complainant under the false promise to make money double in short time. Hence, he may be granted the bail.

5. The learned A.P.P. has strongly opposed the application. He referred to the statement of the abducted person. He has also

referred to the statements of the other witnesses. He has vehemently argued that the offence is serious. There are other cases to the discredit of the applicant. The police went to the house of the complainant to record the statement of her husband under Section 164 of the Code of Criminal Procedure, but she told the police that she does not know his whereabouts. The person abducted person is not found since then.

6. Perused the papers of investigation and the first information report. The complainant had lodged report on 04.08.2022 at 3.01 a.m. However, the first information report reveals that she got information about abduction of her husband at 5.00 p.m. The statements of the material witnesses reveal that the husband of the complainant expressed before them that he has a huge loan and the people are demanding him money; hence, he intend to sell his property. Therefore, he went to the office of Sub Registrar. There is also a evidence that on the day of the alleged incident, the complainant was present in the office of the Sub Registrar. Considering the material produced on record and the affidavit sworn in by the complainant, the case of the applicant appears probable. The abducted person had an opportunity to seek the help when he travelled for more than 200 kms. in a car. Be that as it may, there appears some mess. The applicant has a right to demand the money from the husband of the complainant. Nothing is to be recovered from the applicant. Hence, the following order :-

- i) The application is allowed.
- ii) In the event of arrest, applicant Krushna s/o. Kalyan Tarmale, be released on bail, on furnishing PB and SB of Rs.20,000/- with one solvent surety of the like amount, in C.R.No.279 of 2022 registered with Police Station Paithan, District Aurangabad, for the offences punishable under Sections 363, 364, 364A, 365, 323, 504, 506 read with Section 34 of the Indian Penal Code.

(S. G. MEHARE)
JUDGE

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