

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

ANTICIPATORY BAIL APPLICATION NO.1402 OF 2022

**LIMBAJI BALASAHEB DAHIFALE AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Pankaj A. Bharat, Advocate for Applicants
Mr. V. S. Badakh, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th DECEMBER, 2022

PER COURT :

1. Applicants apprehend arrest in Crime No.0660/2022, registered with Shevgaon Police Station, Ahmednagar, for offences punishable under Sections 363, 365, 368 read with 34 of the Indian Penal Code.

2. FIR is lodged by Vishal Laxman Waman against five accused persons alleging that prior to two years his father had taken advance of Rs.4,00,000/- for cutting sugar cane from Limbaji Dahifale (accused No.1) and left the village, he did not return to the village Daityanandur thereafter. When informant after finishing his duty came out of the Sugar Factory, he was abducted by accused Nos. 1 and 2. They took him to accused No.2's house. They threatened informant to return the amount of advance taken by his father. Thereafter all the accused persons took him in a four wheeler owned by applicant No.2 to Kartik Hotel, where he was

detained in one room. Anyhow, he managed to escape from their custody and lodged the FIR.

3. Heard learned advocate for applicants and learned Additional Public Prosecutor for respondents – State. Perused the investigation papers.

4. Accused Nos. 2 and 4 named in the FIR are arrested and motorcycles used in crime are seized. Though it is alleged in FIR that informant was taken in a vehicle owned by applicant No.2, on verification of RTO record it is revealed that no four wheeler is registered with applicant No.2.

5. *Prima facie*, there appears substance in the contention of applicants that so as to avoid repayment of advance taken by informant's father, applicants are falsely implicated in the present crime. Investigation appears to be almost complete. Therefore, pre-trial custodial detention of applicants in the facts of the present case is not necessary. Application is, therefore, allowed by confirming interim order passed by this Court on 18/10/2022.

6. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by Investigating Officer. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)