

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1852 OF 2022

1] Umesh Bharat Dhere
2] Yogesh Bharat Dhere

...Applicants

V/s.

The State of Maharashtra

...Respondent

Mr. Nilesh Wable, for the Applicants.

Mr. V.B. Konde-Deshmukh, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 01.12.2022.

PC. :

This is an application under Section 438 of Code of Criminal Procedure (in short Cr.PC.) for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 155 of 2022 registered at the Barshi Taluka Police Station, District Solapur, for the offences punishable under Section 363 and 365 read with 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicants and the learned APP for the respondent/State.

4. According to the prosecution, on 21st May 2022, the present applicants abducted the husband of the complainant namely, Tanaji Yele as he failed to repay the amount which was borrowed by him from Loknete Sugar Factory.

5. The learned counsel for the applicants submits that the present applicants were the guarantors for the amount of Rs.9 lac, which was taken by the present applicants from Loknete Sugar Factory as advance to provide labourers to the said factory. It is submitted that as he failed to provide labourers as agreed he was called at the said sugar factory. It is submitted that nothing is to be recovered at the instance of the present applicants and therefore, their custodial interrogation is not necessary. It is submitted that, considering the facts and circumstances, the applicants may be released on anticipatory bail.

6. On the other hand, the learned APP for the respondent/State submits that considering the nature of offence, the applicants may not be released on anticipatory bail.

7. I have perused the FIR. The fact that the victim Tanaji Yele took the advance of Rs.9 lac from Loknete Sugar Factory for providing labourers and failed to do so is not in dispute. I have also perused the statement of victim Tanaji Yele recorded under Section 164 of Cr.P.C. Prima facie, the case does not appear to be of abduction. Considering

the facts and circumstances, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed:

ORDER

A] Application is allowed.

B] In the event of arrest of the applicants in Crime No. 155 of 2022 registered at the Barshi Taluka Police Station, District Solapur, for the offences punishable under Section 363 and 365 read with 34 of the Indian Penal Code, they shall be released on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

C] The applicants shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate in the investigation.

D] The application is disposed of.

[N.R.BORKAR, J.]