

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1904 OF 2021
WITH
INTERIM APPLICATION NO. 645 OF 2022

Rupesh Nathu Taware ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Pranav Pokale a/w Mr. Tanmay S. Karwa a/w Mr. Aditya Bagal,
Advocate for the Applicant.

Ms. P.N. Dabholkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 20th OCTOBER, 2022.

PER COURT:

1. This is an application for bail in C.R. No.355 of 2013 registered with Dattawadi Police Station, Dist. Pune for offences punishable under Sections 363 364-A, 341, 385 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the complainant was interested in selling his landed property. The accused had suggested a purchaser and represented that the sale would be completed through him, thereafter, he was not in contact with the complainant for a period of about 2 years. On 27.11.2013, the complainant received a phone call from the accused and it was informed by him that he has a purchaser for his land and he was

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called at Dhayari Phata. On 28.11.2013, the complainant informed his wife about the phone call and left the house on his motorcycle. He reached Dhayari Phata. He met the accused. He was made to sit on two wheeler, thereafter four other persons came there. The complainant left his two wheeler at the spot and proceeded on the motorcycle of the accused. He was taken to room situated near Dagadi Khan. The applicant/accused was present at the spot and seven other persons were also present. The complainant inquired about the purchaser for his property. The accused demanded Rs. 10 Lakhs by way of extortion from him. The complainant expressed his inability to part with such huge amount. The accused then reduced the amount to Rs.5 Lakhs and subsequently to Rs. 2 lakhs. The complainant gave phone call to his wife. The accused threatened him. Revolver had pointed out at him and he was forced to tell his family that they should arrange the amount of Rs. 2 Lakhs for payment to the accused. Subsequently, the family members of the accused made arrangement of Rs.2 Lakhs and it was parted to the accused. Pursuant to that the victim was released from the accused. The First Information Report (for short 'FIR') was registered.

3. Learned Advocate for the applicant submitted as follows :-

i. The applicant is in custody from 24.12.2013. There is no progress in trial.

ii. There is delay in lodging FIR. Although the alleged incident had occurred on 28.11.2013, the FIR was registered on 21.12.2013.

iii. There is no recovery of the amount from the applicant. The applicant was in custody in connection with C.R. No.297 of 2013 and the case has resulted in acquittal vide judgment and order dated 24.12.2021. Reliance is placed on the photocopy of the judgment.

4. Learned APP submitted that the applicant is the main accused. Overt act has been attributed to the applicant. The victim was abducted. He was threatened. The accused were armed with pistols and to threaten the victim there was firing on the ground. The amount of Rs.2 Lakhs is extorted. The applicant was in custody in another case and it is not that in the present case he is in custody from 2013. He was arrested in this case for issuance of production warrant. The offence is of serious nature. Hence, bail be may not be granted to the applicant.

5. It is pertinent to note that the incident in question had occurred on 28.11.2013. The FIR however registered on

21.12.2013. The explanation given in the FIR is that, due to fear he did not lodge FIR. However, the applicant and his associates were arrested by the police and therefore he had approached the police for lodging complaint. The trial has not commenced, although the applicant is in custody for a period of about 9 years. It is true that he was also arrested in C.R. No.297 of 2013 and was in custody as undertrial prisoner and the said case has resulted in acquittal vide judgment and order dated 24.12.2021. Facts still remains that the applicant is arrested on 24.12.2013 & there is no progress in the trial, bail can be granted to the applicant.

6. Hence, I pass the following order:

ORDER

- i. Criminal Bail Application No. 1904 of 2021 is allowed;
- ii. The applicant is directed to be released on bail in connection with C.R. No.355 of 2013 registered with Dattawadi Police Station, Dist. Pune on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

- iv. The applicant shall report concerned Police Station once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- v. Bail Application No.1904 of 2021 and Interim Application No.645 of 2022 are disposed of accordingly.

(PRAKASH D. NAIK, J.)