

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.3149 OF 2022

PRATHAMESH SUNIL BHAGAT & ORS. ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Sanghraj Rupwate a/w Pooja Thakur for applicants.

Ms. P. N. Dabholkar, APP for State.

Mr. Sunil Ankolikar, API, Vakola Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 23, 2022.

P.C. :

1. Heard learned counsel for the applicants and learned APP.

2. The applicants seek pre-arrest bail in respect of the offence punishable under Sections 143, 147, 341, 365, 452 and 506 of the Indian Penal Code, 1860 in connection with First Information Report No.1052 of 2022 registered with Vakola Police Station.

3. It is alleged by the complainant that he is working as a driver with Jubeen Peter. At the relevant time, he was in

his bungalow in Santacruz (East). On 07/09/2022, Jubeen had gone to his native place. Riyan Ahmed and Kartik, who are friends of Jubeen, had come to stay at his bungalow. They told the complainant (driver) to park the car at the gate as Kartik and Riyan have to go for a meeting. When the complainant was waiting in his car in front of the gate, at around 12.15 p.m., 8 to 10 persons came in the Fortuner Car asking for the whereabouts of his employer. They forcibly took the complainant to the first floor of the bungalow and started assaulting Riyan and Kartik, with hands, and demand for money was made. Kartik told the assailants that he has spoken to the person to whom the money is owed and he has given extension of 15 days for repayment. The accused forcibly took Kartik and Riyan from the bungalow and while leaving one of them said that his name is Nikhil Ahuja. They took Riyan and Kartik to a farmhouse near Thane and after some time asked the Riyan and Kartik to leave.

4. The main accused Nikhil Ahuja has been arrested on 09/09/2022. The applicants have co-operated with the

investigation and the Fortuner Car which was used in the commission of the crime has been seized. The applicants have not been named in the FIR. Considering the nature of the allegations and the fact that the applicants have co-operated, the custodial interrogation of the applicants is not necessary. The main accused has been arrested.

5. Hence, the following order :-

ORDER

(i) In the event of arrest of the applicants in connection with FIR No.1052 of 2022 registered with Vakola Police Station, for the offence punishable under Sections 143, 147, 341, 365, 452 and 506 of the IPC, they shall be released on their furnishing a P.R. bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

(ii) The applicants to co-operate with the Investigating Officer.

(iii) The applicants to report to the concerned police station as and when called for.

(iv) The applicants should not tamper with the prosecution evidence.

6. Anticipatory Bail Application is disposed of.

(M. S. KARNIK, J.)