

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1 OF 2023

Rajebhau Sudhakar Tidke Applicant

Versus

The State of Maharashtra
and another Respondents

.....
Mr. Sudarshan J. Salunke, Advocate for the Applicant
Mr. A.V. Deshmukh, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.0194 of 2022 registered with Ashti Police Station, District Jalna for offences punishable under sections 364, 364-A, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Rukhmini Dnyaneshwar Aadhe alleging that her husband was abducted at the instance of Haribhau Bajirao Pote. In the year 2018, Dnyaneshwar obtained advance of Rs.8,00,000/- from Haribhau Pote towards sugarcane harvesting work. After conclusion of sugarcane cutting season, her husband Dnyaneshwar owed

Rs.2,00,000/- to Haribhau Pote. On 13/08/2022 at about 5.30 in the evening, when she along with her husband Dnyaneshwar were present at their house, Haribhau Bajirao Pote, Suresh Haribhau Pote, Sanjay Bhau Tidke, Ashok Davkhar and Rajebhau Tidke came there in a white colour four wheeler. Dnyaneshwar was called out, and he was asked to return the balance amount. At that time, Dnyaneshwar told them he did not have money, and after he receives money, he will return it. Haribhau asked the applicant, Sanjay Tidke, Ashok Davkhar and Suresh Pote to pick up Dnyaneshwar. Accordingly, Dnyaneshwar was picked up and forced to sit in four wheeler brought by them. They told the informant that their money should be returned, otherwise they will kill her husband. After her father-in-law returning in the evening, she told the incident to him. Her father-in-law contacted Haribhau Pote. Haribhau Pote told him to return the amount and then only Dnyaneshwar would be released. Her father-in-law, thereafter, transferred amount of Rs.1,75,000/- on 31/08/2022, Rs.1,50,000/- on 01/09/2022, and Rs. 44,550/- on 02/09/2022 on Phonepe account of the present applicant. However, Haribhau Pote insisted for further payment of Rs.1,00,000/-, and threatened that if the said payment is not made, Dnyaneshwar will be killed.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. Learned advocate for the applicant submits that the applicant is entitled for anticipatory bail on the ground of parity as main accused Haribhau, at whose instance husband of informant was allegedly abducted and detained, is granted anticipatory bail, so also, co-accused Suryakant Haribhau Pote. He further submits that presence of applicant is not necessary for the purposes of investigation.

5. Learned Additional Public Prosecutor, on the other hand, submits that the amounts are transferred on Phonepe account of the applicant and for effective investigation, custody of applicant is necessary.

6. On going through the investigation papers, it is clear that the amounts mentioned in the FIR are transferred on the Phonepe account on cell phone No.9960752933 of the applicant. The applicant's active involvement is evident from the investigation papers. For effective investigation, custody of the applicant is necessary. The applicant therefore does not deserve discretionary relief of anticipatory bail.

7. The application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane