



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 BAIL APPLICATION NO. 2215 OF 2023

HANMANT VENKAT GUNDRE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

.....

Advocate for Applicant : Ms. Rashmi Kaur h/f Mr. Ameya N.
Sabnis

APP for Respondents: Mr. A.S.Shinde

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 19.12.2023.

PER COURT :

1. The applicant seeks regular bail in connection with Crime No.614 of 2023 registered with Udgir Rural police station, District Latur, for the offences punishable under sections 364-A, 365, 368, 384, 386, 324, 343, 346, 347, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by Sadavijay Basavprakash Vishwanathe, who alleges that he is serving as professor at Kaddyal, Tq.

Bhalki, District Bidar. It is alleged that on 16.10.2023, the informant left his home in a car bearing registration No. MH-24-BL-2667 for attending his work. The first accused Pathan Gafar Ismile @ Bablu Pathan intercepted him and entered into his car under the pretext that he wants to go to Devni. He possessed mobile phone of the first informant. When car reached near Shelalpati, two other persons boarded into the car, those were accused Pavan and Balaji. Thereafter accused Gafar took over the charge of the vehicle. All three accused persons sitting in the car assaulted the informant and thrashed him to the back seat. They took the car in the vicinity of village Shirol Phata. They consumed liquor and raised demand of a ransom of Rs. 50,00,000/-. The allegations in the FIR continuous to states that they threatened and forced to arrange amount, as such he got some amount transferred from his friends. Then traveled to Latur, purchased bonds. One lawyer joined them. They asked the date of marriage of his sister, with intention to create a document regarding money transaction. Thereafter first informant was taken to various banks and forced for ATM withdrawal and transfer amount through IFSC Code in the account of the first accused Pathan. The further narrations in

the FIR suggests that the applicant was extorted during the journey and some documents were created under the threats. The FIR further suggest that at about 10.00 p.m., two other persons entered into the car. They carried the informant towards Bhalki and made him to withdraw cash amount from the ATM and threatened of dire consequences. It is further alleged that total amount of Rs.8,14,000/- has been extorted from the first informant. The applicant has been arrested in pursuance of the aforesaid crime on 20.10.2023. He was remanded to PCR. Since 27.10.2023, he is in MCR. His prayer for grant of bail has been rejected by the Court of Sessions vide order dated 23.11.2023.

3. Learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime. Although minute details are mentioned in the FIR regarding accused persons, names of applicant, do not find place in it. The applicant was called for inquiry on 19.10.2023 and arrested on 20.10.2023. The applicant is unconcerned with the informant or accused named in the FIR. She would submit that the investigation in the matter is almost complete. Further

detention of the applicant is not necessary. No criminal antecedents have been reported to discredit the applicant.

4. The learned APP strongly opposed the prayer. He would submit that an amount of Rs. 2,500/- has been recovered under the memorandum panchanama of the applicant under Section 27 of the Evidence Act. The applicant has accepted his guilt, as such there is ample material to bring home the guilt of the applicant for the commission of the offence.

5. Having considered the submissions advanced, apparently the applicant is not named in the FIR. Even the description of the unknown person is bereft to make the identification of the applicant as culprit as referred in the FIR. Applicant had no acquaintance with the first informant or applicant has no reason to accompany the co-accused. The role of the applicant is sought to be brought on record only on the basis of memorandum panchanama recorded under Section 27 of the Evidence Act, by which recovery of Rs. 2,500/- is shown from the applicant. No specific identification of the currency note recovered from the applicant is depicted in the

panchanama, by which applicant can be connected with the offence. A perusal of the investigation papers, do not show admissible material, by which the complicity of the applicant in the commission of the offence can be gathered.

6. The investigation in the matter is practically over. The applicant is behind the bar since last 7 weeks. The learned APP confirms that no criminal antecedents have been reported to discredit the applicant. Hence a case is made out to grant the bail. Hence the following order :

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant – Hanmant Venkat Gundre be released on bail in connection with Crime No.614 of 2023 registered with Udgir Rural police station, District Latur, for the offences punishable under sections 364-A, 365, 368, 384, 386, 324, 343, 346, 347, 323, 504, 506 r/w 34 of the Indian Penal Code, on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-

a] The applicant shall not tamper the prosecution evidence.

b] The applicant shall attend the concerned police station, once in a week, i.e. on every Friday in between 10.00 a.m. to 2.00 p.m., till filing of the charge sheet.

c] The applicant shall co-operate with the investigation.

d] The applicant shall not indulge in similar offences.

iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

mahajansb/