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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4036 OF 2023**

VAIBHAV PRAKASH HANJAGE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Jayant Bardeskar for the applicant.
Mr. Y. Y. Dabke, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 19, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 395, 397, 386, 387, 452, 364(A), 504, 506(2), 341, 120(B), 109 of the Indian Penal Code (hereafter 'IPC' for short) registered on 20.01.2023 vide C.R. No.13 of 2023 with Shirol MIDC Police Station, District Kolhapur.
- 3.** The date of the incident is 17.01.2023. There are in all 13 accused. The applicant is the accused No.1. The applicant was arrested on 22.01.2023. The applicant is said to be the prime accused. Seven accused have been

enlarged on bail. At page 76 of the paper book is an agreement in respect of the hotel which was of complainant's ownership. During Covid period the hotel activities were at a standstill and therefore, it is the case of the prosecution that the possession of the hotel was handed over to the complainant. The applicant was demanding return of the deposit that was paid to the complainant at the time of executing the agreement. It is alleged that on the date of the incident i.e. 17.01.2023 the complainant was abducted and his father was called to pay the deposit money with interest for securing the complainant's release. A sum of Rs.2,50,000/- was accordingly paid. It is alleged that the complainant was in captivity of the applicant and two other accused for one day. It is alleged that the complainant was assaulted. The injury certificate reveals that he suffered simple injuries. The injury is not attributed to the applicant. The allegation is that the abduction was at the behest of the applicant for getting his deposit back from the complainant.

4. Learned APP while opposing the application for bail

submitted that the abduction and the assault was at the instance of the present applicant.

5. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Looking at the facts and circumstances of the present case and considering that the applicant is in custody for more than 11 months with no possibility of the trial commencing and concluding any time soon, I am inclined to enlarge the applicant on bail. The applicant is not a flight risk. The applicant will face the consequences post trial if found guilty. The applicant cannot be kept under incarceration indefinitely. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Vaibhav Prakash Hanjage in connection with C.R. No.13 of 2023 registered with Shirol MIDC Police Station, District Kolhapur shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Shirol MIDC Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of the Shirol MIDC Police Station after being released on bail, till further orders of the trial Court.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)