



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

BAIL APPLICATION NO. 315 OF 2023

Sagar @ Sachin Rajendra Kusekar ..Applicant
VS.
State of Maharashtra ..Respondent

Mr. Satyavrat Joshi i/b Mr. Ashish Vernekar, for the applicant.
Ms. Veera Shinde, APP for the State.
PSI-Mr.Shendge, Shikrapur Police Station, Pune Rural is present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 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 386, 387, 363, 364A, 324, 504, 506 read with 34 of the Indian Penal Code, 1860 (hereafter 'IPC' for short) registered on 06/05/2022 vide C.R. No.451 of 2022 with Shikrapur Police Station.
- 3.** The applicant is accused no.1. The applicant was arrested on 29/06/2022. It is alleged that there are in all 3 accused. The applicant kidnapped the complainant and extorted money from him

on the instructions of one Mahesh Jagtap who is accused no.3. It is alleged that the accused assaulted the informant with wooden stick. The injuries sustained by the informant are simple in nature. The applicant and the accused no.2 after kidnapping the informant forced him to transfer a sum of Rs. 2 lakhs to the account provided by the accused.

4. Learned counsel for the applicant apart from submitting that the applicant is in custody for more than almost 1 year and 3 months, on the instructions of the brother of the applicant who is personally present in the Court voluntarily submitted that to show his bonafides, the applicant is willing to deposit an amount of Rs. 2 lakhs before the trial Court and has no objection if the informant withdraws the same without prejudice to the rights and contentions of the applicant in the course of trial. This is only with a view to show bonafides of the applicant.

5. Learned APP while opposing the application for bail submitted that offence is serious and there are 2 criminal antecedents registered against the applicant in Shikhrapur Police Station vide C.R. No. 540 of 2020 for the offence punishable under sections 326, 324, 323, 504, 506, 34 of IPC, under section 135 of Maharashtra Police Act and

under section 4(25) of the Indian Arms Act. Another antecedent reported against the applicant is vide C.R. No. 432 of 2020 for the offence punishable under section 341, 506, 34 of IPC.

6. In the facts and circumstances of the present case considering that the applicant is in custody for almost 1 year and 3 months and as the investigation is complete and charge-sheet is filed, the custody of the applicant will be only by way of pre-trial punishment. The criminal antecedents reported against the applicant are not such to deprive the applicant the facility of bail as the applicant can be enlarged on bail by imposing stringent conditions.

7. Learned counsel for the applicant on instructions of the applicant's brother who is present in the Court submitted that the applicant is even willing to reside outside the jurisdiction of Pune District till the trial is concluded. During this period, it is informed that the applicant will reside in Ahmednagar district and attend City Kotwali Police Station, Ahmadnagar.

8. Statement of the learned counsel for the applicant on instructions that before his release, the amount of Rs. 2 lakhs will be deposited in the trial Court is accepted as an undertaking to this Court. Further statement that he will not oppose withdrawal of the

said amount by the complainant is accepted. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Sagar @ Sachin Rajendra Kusekar in connection with C.R. No.451 of 2022 registered with Shikrapur Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall reside outside the jurisdiction of Pune District till the trial is concluded.
- (d) Learned counsel for the applicant informed that the applicant will reside in Ahmednagar district and attend City Kotwali Police Station, Ahmadnagar. The applicant shall attend the investigating officer of City Kotwali Police Station twice in a month, every first and third Saturday of the month between 10.00 a.m. and 12.00 noon.
- (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 the purpose of attending the trial, the applicant shall not enter the Pune District after being released on bail, till the trial concludes in the present C.R or other C.R.

(h) The applicant shall attend the trial regularly.

(i) The applicant to abide by the statements made above.

9. The application is disposed of.

(M. S. KARNIK, J.)