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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.540 OF 2023

Atul alias Pappu Kundle
V/s.

...Applicant

The State of Maharashtra

...Respondent.

Mr. S M M Owais T. Jahagirdar for the Applicant.

Mrs. Rutuja Ambekar , APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 21.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 14 of 2023 registered at Yerwada Police Station, Pune city for the offences punishable under Sections 364-A, 394, 342, 323, 504, 506 read with 34 of the Indian Penal Code and Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

4. According to the prosecution, the applicant and the complainant got acquainted with each other while they were in jail. According to the complainant, he had borrowed Rs.10 lakhs from the applicant and returned Rs.21 lakhs against it. It is alleged that the applicant was, however, asking the complainant to pay

Rs.20 lakhs more towards interest.

5. According to the prosecution, as the complainant failed to pay the said amount, on the date of alleged incident which took place on 5 January 2023, the present applicant and other co-accused abducted the complainant, then they assaulted and robbed him of Rs.87,000/-. It is further alleged that they threatened him of dire consequences if the said amount of Rs. 20 lakhs is not paid immediately.

6. The learned counsel for the applicant submits that the prosecution case is not at all probable. It is submitted that according to the complainant he had paid Rs.18 lakhs to the applicant through their common friend Vishal. It is submitted that on the date of alleged incident, according to the complainant, the said Vishal was with the applicant and even the phone call asking him to come to place of incident was made by him. It is submitted that there was no reason for the applicant and other co-accused to assault the said Vishal, still just to make him witness it is alleged that he was assaulted by the applicant and other co-accused. It is submitted that considering the facts and circumstances, the applicant may be released on anticipatory bail.

5. On the other hand, the learned APP submits that there are eye-witnesses, who have stated about the alleged incident. It is submitted that the applicant is involved in 7 more crime. It is submitted that considering the nature of offence, the applicant

may not be released on anticipatory bail.

6. *Prima facie* the case does not appear to be of false implication. Considering the nature of offence and as the applicant is involved in 7 more crimes, I am not inclined to release the applicant on anticipatory bail. Hence, the Anticipatory Bail Application is rejected.

[N.R.BORKAR, J.]