



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1258 OF 2023**

Lakhan @ Laxman Haribhau Korhale and Ors. ... Applicants
versus
State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1209 OF 2023**

Amar Dinkar Pasalkar and Ors. ... Applicants
versus
State of Maharashtra ... Respondent

Mr. Kuldeep Patil i/by Mr. Pankaj Deokar, for Applicants.
Smt. Ashwini Takalkar, APP for State.
Mr. Shahaji C. Gosavi, PSI Daund Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 19 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. These applications are preferred for pre-arrest bail in connection with C.R.No.48 of 2023 registered with Daund Police Station for the offences punishable under Sections 143, 147, 148, 149, 323, 363, 327, 342, 504, 506 of the Indian Penal Code and Sections 3 and 4 read with Section 25 of the Arms Act, 1959.
3. The gravamen of indictment against the applicants is that on 13 January 2023, the applicants had abused and assaulted the first informant, his mother Baidabai and grandmother Anusaya and abducted the first informant to the place of a relative of

accused No.1 Lakhan at Lipangaon, Srigonda, where the first informant was assaulted and wrongfully confined in a room. Lakhan allegedly had a pistol and one of the relatives of Lakhan was armed with sword. The first informant was made to put signatures on blank papers by putting him in fear of life. Thereafter, the first informant was brought back to Daund. The accused threatened the first informant with dire consequences in the event he reported the matter to police.

4. On 16 January 2023, the accused – Haribhau Korhale and Prabhakar Bhosale and their two associates had allegedly robbed grandmother of the first informant of cash amount of Rs.2 Lakhs and by putting them in fear of their life, made the grandmother to put signature on a blank paper.

5. Learned Counsel for the Applicants submitted that Haribhau had lodged a report on 28 October 2022 against the first informant, his mother and grandmother on the ground that they were induced to part with a sum of Rs.28 Lakhs by making a false representation that two acres of agricultural land situated at Gat No.206, Kalewadi, Tal. Daund would be sold to them. The informant party had allegedly already sold the said land to a third party. Attention of the Court was invited to the copy of the complaint dated 28 October 2022 and the FIR No.85 of 2023 lodged on 25 January 2023 by Haribhau Korhale for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code.

6. When the applications were listed before the Court, by an order dated 27

April 2023 this Court was persuaded to grant interim protection while directing the applicants to join in the investigation.

7. Learned APP, on instructions, submits that pursuant to the aforesaid directions, the applicants appeared before the Investigating Officer and co-operated with the investigation.

8. Prima facie, it appears that the genesis of the alleged offences is in the dispute between the parties over the transactions of sale of an immovable property. The accused party alleged that the informant party had agreed to sell the property, accepted consideration of Rs.28 Lakhs and deceived them as the said property was already sold. It appears that prior to the lodging of the report on 20 October 2022, Haribhai Korhale had lodged a complaint in writing with Yavat Police Station.

9. In the circumstances, the complicity of the applicants for the offences punishable under Sections 3 and 4 read with Section 25 of the Arms Act, 1959, which appear to be the only non-bailable offences, is a matter for adjudication. In view of the above, at this length of time, I am inclined to allow the applications.

10. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants – Lakhan @ Laxman Haribhau Korhale, Haribhau Baba Korhale, Sunil Rohidas Dhavale, Prabhakar Dagadu Bhosale, Amar Dinkar Pasalkar, Shivaji Bhimrav Korhale, Uttam Dagadu Shendage

and Mahesh Nivrutti Nagawade in connection with C.R.No.48 of 2023 registered with Daund Police Station, they be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report to Daund Police Station as and when directed, till the filing of the chargesheet.

(iii) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(v) The applications stand disposed.

(vi) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)