



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2734 OF 2023

Ratnadip Samindar Pujari ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Rupesh A. Zade with Ms. Priyanka Gupta, for Applicant.

Mrs. A. A. Takalkar, APP for State.

Mr. Rajesh P. Mali, PSI, Borivali Taluka Police Station.

CORAM:- N. J. JAMADAR, J.

DATED:- 3rd OCTOBER, 2023

PC:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 173 of 2022, registered with Baramati Police Station, Pune Rural, for the offences punishable under Sections 364, 307, 327, 143, 147, 148 , 149, 504 and 506 of Indian Penal Code, 1860 ("the Penal Code").

3) There is a dispute between the first informant and accused No. 1 Manoj alias Bandu Mule, over the transfer of a Scorpio Jeep. The first informant alleged that on 21st March, 2022, while he was present at Force Gym at Baramati, two of the accused forcibly made him to board a Scorpio Jeep. Thereafter, he was abducted and assaulted by means of a dangerous weapon. One of the co-accused also attempted to strangle him and he was left for being dead.

4) The learned Counsel for the applicant submitted that the co-accused have been released on regular bail. The role attributed to the applicant is that of being present with the accused No. 1 Manoj, when the first informant was allegedly abducted in the Scorpio Jeep bearing MH- 42- X-9269. The applicant was not present when the first informant was allegedly assaulted with intent to commit murder. In the supplementary statement, the first informant has stated that the applicant and another co-accused Datta Sapate proceeded towards Bhigvan. Thereafter, the accused took him to Karmala and he was assaulted.

5) The learned Counsel for the applicant further submitted that while releasing the co-accused on bail, this Court has recorded that the said person was not with the co-accused when the first informant was taken to Karmala and, thereafter, assaulted.

6) The learned APP submitted that in the supplementary statement, the first informant has stated that the applicant and co-accused Sapate proceeded towards another Scorpio Jeep. Evidently, the first informant was thereafter allegedly assaulted with intent to commit murder. The situation which prima facie obtains is that the applicant was not one of the persons who initially abducted the first informant. Nor the applicant is alleged to be the person who perpetrated the assault upon the first informant, when he was taken to Karmala.

7) In the aforesaid view of the matter, a prima case case is made out to exercise the discretion in favour of the applicant.

8) It appears that the applicant has roots in society and possibility of fleeing away from justice seems to be remote.

9) I am, therefore, inclined to exercise the discretion in favour of the applicant.

10) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 173 of 2022, registered with Baramati Police Station, Pune Rural, for the offences punishable under Sections 364, 307, 327, 143, 147, 148, 149, 504 and 506 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Baramati Police Station, Pune Rural, on every alternate Saturday in between 10.00 am to 1.00 pm for the period of two months or till filing of the charge-sheet whichever is earlier.

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

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]