

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3520 OF 2022**

Balasaheb s/o Dagdu Hande

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. K.N. Shermale for the Applicant.

Mr. Amit Palkar, APP for the State.

Mr. Pratapsinh Shelke, Hadapsar Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 7 JANUARY 2023

P.C. :-

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

2. The applicant is apprehending his arrest in Crime No. 1347 of 2022 registered at Hadapsar police station for the offences punishable under Sections 365 read with 34 of the Indian Penal Code.

3. According to the prosecution, the victim had borrowed Rs. 10 lakhs from the applicant. The victim has not returned the said amount. It is alleged on 21 October 2022 the present applicant and other co-accused thus abducted the victim. He was kept in confinement and on 28 October 2022, he escaped from their confinement. It is alleged that during the said period the present applicant got executed certain documents from the victim.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that the FIR shows that the phone call was made on 22 October 2022 by the victim to his son, who is the complainant in the present case and no allegation of abduction were made. It is submitted as the applicant and the victims were friends, the victim on his own came to the house of the applicant. It is submitted that on 23 October 2022, the complainant made phone call to the victim and when he learnt that victim is at the house of the applicant, he got annoyed for no reason and had abused the applicant and thus he was required to lodge the report. It is submitted that as per the direction of this Court the applicant has attended the concerned police station. It is submitted that nothing is to be recovered at the instance of the applicant and therefore, there is no need of custodial interrogation. It is thus submitted that the applicant may be released on anticipatory bail.

6. The learned APP submits that the applicant is involved in serious crime of abduction. It is submitted that after abduction the victim was kept in confinement for about seven days and he luckily escaped. It is further submitted that during confinement, the applicant forcibly got executed agreement from the victim. It is submitted that considering the nature of offence the applicant may not be released on bail.

7. I have perused the statement of victim. According to him, on 21 October 2022 co-accused in the present crime forcefully made him to

sit in four wheeler. Thereafter they took him to the house of present applicant. The victim was, thereafter taken to various places and was kept in confinement till 28 October 2022. The victim somehow escaped from the confinement. It further appears that during the said period the applicant forcibly got executed some agreement from the victim. Considering the nature of offence, I am not inclined to release the applicant on anticipatory bail.

8. Application is rejected.

9. The learned counsel for the applicant submits that by order dated 21 December 2022 this Court protected the applicant. It is submitted that the said interim order be continued for further period of four weeks to enable the applicant to approach the Hon'ble Supreme Court.

10. At the request of learned counsel for the applicant, the interim order shall remain in force for a period of four weeks from today.

(N.R. BORKAR, J.)

Digitally
signed by
MANGALTAI
JAYWANT
JADHAV
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