



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3510 OF 2023**

Fattesingh Maruti Pawar
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Ranjeet M. Pawar, for Applicant.
Mr. S.H.Yadav, APP for State.
Mr. Samadhan Shivaji Lawate, PSI, Vadgaon Nimbalkar Police Station, present.

**CORAM: N.J.JAMADAR, J.
DATE : 14 DECEMBER 2023**

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.832 of 2023 registered with Wadgaon Nimbalkar Police Station for the offences punishable under Sections 363 and 365 read with Section 34 of the Indian Penal Code.
3. The first informant is the wife of Dilip Gadekar who was working in an establishment - Vishwakarma Super Market. He had collected money from many persons by making a promise of lucrative returns. The applicant was one of the investors. The said establishment ultimately closed its operations as there were losses. The applicant and the co-accused Subhash Bhapkar and Laxman Ghadge were allegedly exerting pressure on the husband of the first informant to repay the amount. On 19 November 2023 while Dilip was on his way to the weekly market, along with his 9 year old daughter, few unknown persons allegedly accosted, abused, assaulted and

abducted Dilip in a four wheeler.

4. Learned Counsel for the Applicant submitted that the victim had duped many persons. To avoid repayment of the amount which the victim had taken from the investors and to preempt any action by the investors, a false report has been lodged.

5. Learned APP countered the submissions on behalf of the applicant. Attention of the Court was invited to the statement of the victim. It was further submitted that the gravity of the offences can be gauged from the fact that the victim was abducted in the presence of his 9 year old daughter.

6. I have perused the allegations in the FIR and the statement of the victim. Evidently, FIR was lodged against unknown persons. Indeed, the applicant was named as one of the investors who was insisting for repayment of the amount invested by him. In the statement of the victim, allegation of abduction is attributed to unknown persons. The victim, however, asserts that they assaulted him to make him agree to repay the amount which he owed to Laxman, Subhash and the applicant. The victim has further stated that Subhash and Laxman came to the spot to which he was taken to, by the abductors.

7. Evidently, the applicant was not present either at the time of the alleged abduction or at the place where the victim was allegedly taken to. The applicant appears to have been roped in on the basis of the exhortation allegedly made by the

abductors. In the circumstances, a prima facie case for exercise of discretion is made out. The applicant appears to have roots in society. Possibility of fleeing away from justice seems remote.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Fattlesingh Maruti Pawar in connection with C.R.No.832 of 2023 registered with Wadgaon Nimbalkar Police Station, the Applicant be released on bail on furnishing 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 report to Wadgaon Nimbalkar Police Station on 26th and 27th December 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicant 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 Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands 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.)