



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3573 OF 2023**

Subhash Raghunath Bhapkar	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Ms. Sapna F. Sathe for Applicant.
Smt. A.A.Takalkar, APP for State.
Mr. B.B.Markad, PN, Vadgaon Nimbalkar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 22 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, 365 read with Section 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the co-accused has been granted bail by an order dated 14 December 2023 in ABA No.3510 of 2023. It is submitted that the applicant is similarly circumstanced.
4. Learned APP countered the submission on behalf of the applicant. Learned APP invited attention of the Court to the allegations in the FIR which indicate that the applicant along with co-accused had come to the spot to which the first informant was allegedly taken to by the abductors.

5. While releasing the co-accused Fatesingh Pawar on pre-arrest bail, this Court had, inter alia, observed as under :

“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.

6. Even if the allegations in the FIR are taken at par, the role attributed to the applicant is that of assessor after the act. In view of the above, I do not find any qualitative difference between the role attributed to the applicant and the co-accused, who is granted pre-arrest bail. The accused also deserves the same dispensation.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Subhash Raghunath Bhapkar 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.)