



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 551 OF 2024

Navnath Sudam Bikkad

....Applicant

VERSUS

The State Of Maharashtra And Another
AND

.....Respondents

ANTICIPATORY BAIL APPLICATION NO. 132 OF 2024

Balaji Rameshwar Tandale And Another

.....Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

Mr. S.R. Kedar, Advocate for applicants
Mr. C.V. Bhadane, APP for respondents-State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd APRIL, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 5/2024, registered with Kaij Police Station, Dist. Beed, for offences punishable under sections 364-A, 365, 384, 323, 504, 506 r/w 34 of Indian Penal Code.

2. FIR is lodged by Manisha Ghule alleging that on 31.12.2023, informant and her husband Fulchand Ghule picked

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up sugarcane in the morning in their bullock cart and delivered it to Gangamauli Sugar Factory, Kaij. At about 8.00 pm, informant and her husband were returning home to their village at Shirpur. When they reached near Swaraj Hotel, at that time, one white colour Scorpio came from behind and stopped in front of their bullock cart. From the said Scorpio vehicle, known persons namely Balaji Rameshwar Tandale, Chhatrabhuj Achyut Munde and Navnath Sudam Bikkad got down and pulled Fulchand from the bullock cart and abused and assaulted him with kick and fist blows. Informant questioned them as to why they are assaulting her husband. All of them, put husband of informant in Scorpio car and asked informant to pay Rs. 1,00,000/- and take her husband back. Thereafter, they left along-with husband of informant and informant returned home. Informant narrated incident to her mother-in-law, father-in-law and brother-in-law. On the next day, informant and her family members searched for Fulchand. At that time, Shriram Ambadas Bhange told informant that he has received a phone call from Balaji Tandale and he said that they are demanding Rs. 3,00,000/- to release Fulchand.

3. Heard learned advocate for applicant and learned APP for State. Perused the investigation papers.

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4. It is the case of applicants that informant on 01.01.2024 lodged missing complaint narrating totally different story that her husband went to sugar factory after leaving home and he did not return back. Whereas, in the FIR she alleged that while she was coming to home along with her husband, accused persons obstructed the bullock cart and forcibly kidnapped her husband. Her husband-victim's statement reveals that he was allegedly detained in one of the room of sugar factory and one security guard was there to look after him. All the accused on account of monetary transaction have kidnapped him and asked for ransom of Rs. 2,50,000/- and Rs. 3,00,000/-.

5. Applicant Navnath has placed on record a copy of agreement between informant's husband/victim and himself and a cheque of Rs. 1,50,000/-, issued in his favour by victim.

6. *Prima facie*, there appears substance in the contention of applicants that due to the monetary transaction between applicant Navnath and victim, they are falsely implicated in the present crime. Taking into consideration the discrepancies in the missing complaint and the FIR and the monetary transaction between applicant Navnath and victim, *prima facie*, possibility cannot be ruled out that applicants are

falsely implicated in the present crime.

7. Applicants were granted interim protection and they have co-operated in the investigation. In the peculiar facts of the present case, their pre-trial custodial detention is not necessary.

8. In the result, applications are allowed.

9. In the event of arrest of applicants- Navnath Sudam Bikkad, Balaji Rameshwar Tandale and Chhatrabhuj Achyut Munde, in connection with C.R. No. 5/2024, registered with Kaij Police Station, Dist. Beed, for offences punishable under sections 364-A, 365, 384, 323, 504, 506 r/w 34 of Indian Penal Code they be released on executing Personal Bond and Surety Bond of Rs. 15,000/- each with one surety each in the like amount.

10. Till filing of charge sheet, applicants shall attend the concerned police station, as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]