



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

946 ANTICIPATORY BAIL APPLICATION NO. 539 OF 2024

Shirish Hiralal Chaudhari

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

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Advocate for Applicant : Ms. Anagha Pandit for Talekar and Associates
APP for Respondent/State: Mr.R.B. Dhaware

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 4th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.144 of 2024 registered with Nandurbar City Police Station, Tq. & Dist. Nandurbar, for the offence punishable under sections 342, 364, 452, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC"), sections 3, 5 and 25 of the Arms Act and section 37(1)(c) and 135 of the Maharashtra Police Act.
2. It is the prosecution's case that informant is labourer and services of the informant and his family members were engaged by Ravi Chaudhari. Accordingly Ravi Chaudhari provided them place in one field of Vijay Chaudhari. The informant, his family members and his colleague labourers were residing at the place provided by Vijay Chaudhari. It is alleged that on 2nd January, 2024, when the informant along with his family members and colleague labourers were working

in the field, at that time the applicant along with co-accused had come in the said field and threatened the informant that they shall leave said place else they will fracture their hands and legs. It is alleged that at that time, there was altercation between the applicant and Baba Chaudhari. It is alleged that on 3rd February, 2024 around 5:00-5:30, p.m., when the informant was working with the labouers in Godown, at that time, the applicant and co-accused Shirish Chaudhari along with 4-5 persons went there. They told Dinesh Chaudhari to shut down the godown and stop the work. On that count, they manhandled Dinesh Chaudhari. By seeing the said act, the informant and other labouerers were terrified. It is alleged that on 4th February, 2024, around midnight at 2:30 to 3:00 a.m., when the informant and others were asleep in his room, someone knocked the door of room. Informant and his family members woke up. At that time, one person by name Gaurav Chaudhari barged in their room. A co-accused Gaurav Chaudhari told informant that he will pay the amount to him and his family members to leave the said place and he had brought the vehicle. He asked them to seat in the vehicle, if they refused to seat in the vehicle then he will break their hands and legs. Due to his threats, the informant, his family members and labourers sat in the said vehicle along with their articles. It is alleged that at that time, 8-10 unknown persons were standing outside of room wielding wooden sticks in their hands. One person was holding small pistol. Informant identified co-accused Janak Jain.

Thereafter, Janak Jain told one person by name Rahul to take out the vehicle. The said person by name Rahul started the vehicle. When the first informant, his family members sat in the vehicle, back door of the said vehicle was closed. The said vehicle moved on. The informant was not aware where they were going. The informant informed about the said incident to Baba Chaudhari on his mobile. It is alleged that around 4:00 to 4:30 a.m., their vehicle was stopped by the police and police took the said vehicle to the police station. On the complaint of the first informant, the offence is registered against the applicant and other co-accused and 8-9 unknown persons.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in the present crime due to political rivalry. In the F.I.R., three incidents have been referred by the applicant. First incident is of month January, 2024. In the said incident, there is no reference of the applicant. The second incident is of 3rd February, 2024. In the said incident, no specific role is attributed to the applicant. Only the presence of the applicant is mentioned along with co-accused and other 4-5 persons. In the said incident, it is alleged that all the persons had assaulted Dinesh Chaudhari. Separate F.I.R. is registered about the said incident by Dinesh Chaudhari. Third incident is of 4th February, 2024. The first informant has not named the applicant when his alleged kidnapping was done. He knows the applicant. As the applicant was not present at the time of incident but

he has been falsely implicated in this case. His custodial interrogation is not required, The learned counsel further submitted that earlier some offences were registered against the applicant, he has been acquitted from those offences registered against him.

4, It is the contention of the learned APP that the applicant had gone to the incident spot on the earlier day of the incident. He along with co-accused assaulted Dinesh Chaudhari. On the next day, co-accused Gaurav Chaudhari kidnapped the first informant by threatening him. Police has collected the CDR, which shows that there was calls between the applicant and accused Gaurav Chaudhari. It shows the involvement of the applicant in the present crime. The applicant is influential person. He has criminal antecedents. His custodial interrogation is required. There is prima facie case against him, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The allegations against the applicant are about two incidents i.e. dated 3rd February, 2024 and 4th February, 2024. Regarding the incident of 3rd February, 2024, separate F.I.R. is filed by informant Dinesh Chaudhari. So the allegations of said offence can not be considered in the present offence. In respect of the allegations by the first informant of 4th February, 2024, he has not stated about the role of the applicant in the act committed against him. It is contention of the

learned APP that the applicant has antecedents. It appears from the record that except the offences registered on 3rd February, 2024 and the present crime, the applicant has been acquitted from the offences registered against him. Mere producing call records can not be ground to connect the applicant with the present crime. The applicant was not present at the spot of incident on 4th February, 2024. Considering these aspects, custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.144 of 2024 registered with Nandurbar City Police Station, Tq. & Dist. Nandurbar, for the offence punishable under sections 342, 364, 452, 504, 506 read with 34 of the Indian Penal Code, sections 3, 5 and 25 of the Arms Act and section 37(1)(c) and 135 of the Maharashtra Police Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]