



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

982 ANTICIPATORY BAIL APPLICATION NO. 824 OF 2024

Krushna Bhujangrao Ware

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Vijay B. Kale

APP for Respondents: Mr. Mukesh K. Goyanka

Advocate to assist the A.P.P. : Mr. D.R. Markad

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CORAM : SHIVKUMAR DIGE, J.

DATED : 19th JUNE, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with FIR No.455 of 2024 registered with Pathardi Police Station, district Ahmednagar, for the offence punishable under sections 342, 327, 323, 504, 506, 141, 143, 147 of the Indian Penal Code.

2. It is the prosecution's case that the informant Arvind Lipane is an advocate by profession. There was a financial transaction between him and the applicant. With respect to that transaction, crime No. 329 of 2023 for the offences punishable under Sections 419, 420, 406, 409 of I.P.C. and under Sections 34 (A) of Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, was registered with Sonai police station, district Ahmednagar, against the applicant. The applicant was arrested and

he was in jail. The informant took initiative to release the applicant and the applicant came to be released on bail by this Court, by order dated 14.3.2024. In the said bail order, the condition was imposed by this Court on the applicant and directed the applicant to pay an amount of Rs.84,00,000/- within six months from that day to the complainant. It is alleged that on 16.4.2024 the applicant called the informant at about 4.00 p.m. near to Arjuna Lawns, Pathardi to accept the money. Then he took the informant to his house. Thereafter, after some time, three unknown persons entered in that house. One of them was carrying a bag having documents. Other two were under the influence of alcohol. At that time, co-accused No.2, who is wife of the applicant was present in the house. The applicant closed the door of the house. Thereafter, he took out registered stamp papers and other documents from that bag. When the informant asked him what he is doing, then the applicant threatened him that he should not ask any question and only put his signatures. At that time, two persons standing there went near the informant and snatched his mobile and they abused him and assaulted him by fist and kick blows. The informant requested them to stop the assault and matter can be resolved amicably but no one was hearing him. When the informant refused to sign the documents, the applicant asked the accused No.2 to bring the rope and the informant's hands and legs were tied. Thereafter, the applicant took

out a pistol and threatened the informant that if he did not sign the documents, he will kill him. The informant was terrified and in fear of life. He was made to sign five different stamp papers and his thumb impressions were taken on all documents. Thereafter, the applicant threatened the informant that if he disclosed about the said incident to anyone, he will kill him and his family members. Thereafter one person left with those documents and other two persons released the informant. They also snatched the gold rings of the informant and key of Ciaz car of the informant and they went away. Thereafter, the informant escaped from the clutches of the applicant and accused No.2 and went to Pathardi police station.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. No incident is happened as alleged by the complainant. No custodial interrogation of the applicant is required. As the dispute is going on between the applicant and the complainant hence false complaint has been filed against the applicant. Learned counsel further submitted that there is delay of 10 days in lodging the F.I.R. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicant has assaulted the complainant in his house. He obtained signatures of

the complainant on the documents in order to avoid the payment of Rs.84,00,000/- as per the order of this Court. At the time of assault, the applicant had snatched two gold rings of the complainant. The said gold rings were returned to the complainant in presence of the police and key of Ciaz car before the registering the F.I.R. The documents signed by the complainant are in the custody of the applicant. The custodial interrogation of the applicant is required. Learned A.P.P. further submitted that the applicant is a habitual offender. Total 7 to 8 crimes of similar nature are registered against the applicant. Learned A.P.P. further submitted that due to fear of the applicant, the complainant could not lodge the F.I.R. against the applicant. Moreover, due to intervention of police, the applicant returned the gold rings and key of Ciaz car to the complainant in presence of the police. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. It appears from the record that 7 offences of similar nature are registered against the applicant. The possession receipt dated 17.4.2024, executed between the applicant and the complainant shows that on 16.4.2024 the applicant had called the complainant in his house and he admitted in the said possession receipt about return of key of Ciaz car and two gold rings to the complainant. The said possession receipt is signed by the

applicant and the complainant. Thereafter, the complaint was lodged on 26.4.2024. This possession receipt shows that incident had happened on 16.4.2024 as alleged by the complainant. The documents which are signed by the complainant are in the custody of the applicant. The said documents are signed under the fear of pistol which was used by the applicant so the custodial interrogation of the applicant is required and I pass the following order:-

ORDER

The application is rejected.

(SHIVKUMAR DIGE, J.)

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