



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

979 ANTICIPATORY BAIL APPLICATION NO. 987 OF 2024

MADHUKAR MHATARBA UCHALE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr.V.D. Sapkal, Senior Advocate i/b Mr.Pahune Patil Sagar Nandkishor
Advocate for the applicant
APP for Respondent/State : Mr. C.V. Bhadane

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 31st July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.332 of 2024 registered with Parner Police Station, for the offences punishable under sections 365, 337 read with 34 of the Indian Penal Code (For short, "IPC") and sections 3 and 25 of the Arms Act.
2. It is prosecution's case that informant Rangnath Waral is the Chairman of Sahkar Maharshi Kisanrao Patil Patsanstha. He is 76 years old. He is also Chairman of the same Patsanstha branch Nighoj. It is alleged that the applicant had taken loan from the said Patsanstha but has not repaid that loan. Patsanstha had taken action of auction against the land of the applicant. It is alleged that the applicant used to frequently visit Patsanstha and used to say that he has repaid all the loan amount. Informant used to tell him to produce documentary proof of payment of loan. It is alleged that on 4th May, 2024, at around 9.30 a.m., when the informant was standing near the gate of Pharmacy

college, at that time, the applicant came there in Car. Some persons were sitting in it. It is alleged that the applicant told the informant to sit in the said Car as he wants to talk about the loan. Initially, the informant was hesitant to sit in the Car but after convincing by applicant he sat on the back seat of the Car. Thereafter, the Car was driven in speed towards Nighoj. When informant asked them to stop the Car, the unknown persons sitting next to informant caught his collar and hands and the applicant who was sitting next to driver, took out pistol and pointed it towards the informant. When the Car reached near Government Hospital, Nighoj, its speed was slowed. Therefore, the informant jumped out from the Car and fell on the road. Due to jump, informant sustained bruises and his clothes were torn. He started running towards the Government Hospital, it is alleged that the applicant and other unknown persons chased him. It is alleged that the applicant caught informant and was dragging him towards Car, at that time one Sadashiv Waral and his wife were passing in the Car and they stopped the Car and went towards the informant and applicant and rescued the informant from the clutches of the applicant. Thereafter, the informant lodged the report.

3. It is contention of the learned Senior counsel for applicant that the applicant has been falsely implicated in this case. The applicant was holding licensed Gun but it was surrendered before the District Magistrate before the Loksabha election. It is further submitted that the

age of the informant is 76 years old and it is impossible that such 76 years old jump out from the running Car and he had not sustained any injury. Due to political rivalry the applicant's name is mentioned in the F.I.R. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that the applicant has duped the amount of Patsanstha of informant. His land was kept for auction. Due to which the applicant had anger in his mind against the informant. Out of that anger, the applicant kidnapped the informant in his Car and pointed out the pistol towards him. The learned APP further submitted that the incident is witnessed by one eye witness. Injury certificate corroborates with the statement of the informant. Custodial interrogation of the applicant is required to recover the Gun used in the crime and requested to reject the application.

5. It is the contention of the learned Senior counsel for the applicant that person Mr. Waral shown as witness is close relative of the informant.

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

7. It is alleged that the informant jumped outside the Car to rescue himself from the clutches of the applicant when he was trying to kidnap him. Informant is 76 years old. The injury certificate produced on record shows that the informant has suffered abrasion to right elbow. It

appears that the dispute was going on between the informant and applicant about the repayment of loan by the applicant. Considering the nature of injuries sustained by the informant evidence is required to substantiate the said allegations. Considering the allegations against the applicant, 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.332 of 2024 registered with Parner Police Station, for the offences punishable under sections 365, 337 read with 34 of the Indian Penal Code and sections 3 and 25 of the Arms 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.]