



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1419 OF 2023

DIKSHANT VIJAY BHALERAO

VERSUS

THE STATE OF MAHARASHTRA AND OTHER

...

Mr. Taher Ali Quadri, Advocate h/f Mr. M.G. Mustafa, Advocate for
Applicant

Mr. S.B. Jadhav, APP for Respondents

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 04th JANUARY, 2024

PER COURT :

1. Leave to add Superintendent of Police, Dist. Latur, as a party respondent. Amendment to be carried out forthwith.
2. Applicant apprehends arrest in Crime No.65/2023, registered with Gategaon Police Station, Latur, for offence punishable under Sections 364, 504, 506, 511 r/w 34 of the Indian Penal Code.
3. Informant lodged FIR in question alleging that, on 12/05/2023 applicant along with other accused Amar Wavhale came to village Rameshwar in a car. Applicant made phone call to informant and called him for meeting. When informant arrived there, he was taken in the car. Applicant disclosed informant that he has love affair with wife of informant and he cannot live without her.

He, therefore, asked informant to leave his wife or else face dire consequences. Applicant then drove informant towards Latur road in high speed. When informant asked him to stop, applicant did not listen to him. When speed of the car was reduced at a speed breaker, at that time informant applied hand-break and got down from the vehicle. Applicant tried to prevent him from alighting, however, informant managed to run away from the spot. At that time, co-accused Amar was caught hold by informant and one villager and was handed over to police. On inquiry with co-accused, it was revealed that intention of applicant and co-accused was to abduct and murder informant. Applicant's anticipatory bail application is rejected by the Sessions Court.

4. Heard learned advocate for applicant and learned Assistant Public Prosecutor for State. Perused the investigation papers.

5. Learned advocate for applicant submitted that, applicant is falsely implicated in the present crime only so as to make foundation for divorce petition filed by informant against his wife. He, therefore, submits that custodial interrogation of applicant is not necessary and applicant be released on anticipatory bail.

6. Learned Assistant Public Prosecutor opposed the bail application by relying on investigation papers.

7. Perusal of material on record shows that applicant is main accused who has tried to kidnap informant. He gave threats to informant that he should leave his wife. In divorce petition filed by informant, he has described the affair between applicant and his wife who is pregnant. He was informed that the child is of applicant. It is also alleged that wife of informant used to talk with applicant for hours together and there were photographs of applicant and informant's wife in the cellphone of informant's wife. It appears that co-accused apprehended at the time of incident has disclosed that he and applicant intended to kill informant.

8. Allegations against applicant are serious and material on record, *prima facie* indicates applicant's involvement in the crime. Car used in the crime is yet to be seized. Applicant's custody is, therefore, necessary for effective investigation. This is not a fit case to exercise discretion in favour of applicant. Application is, therefore, rejected.

(NITIN B. SURYAWANSHI, J.)