



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 BAIL APPLICATION NO. 1652 OF 2024

HANMANT SHIVAJI PATIL

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1653 OF 2024

YOGESH SURESH PATIL

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Deshmukh Umakant B.

APP for Respondent-State : Mr. S. P. Sonpawale.

...

CORAM : S. G. MEHARE, J.

DATE : 15.10.2024

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondent-State.
2. The applicants seek bail in Crime No.269 of 2024, registered with Mukhed Police Station, District Nanded, for the offences punishable under Sections 308(3), 308(5), 140(2), 61(2) and 62 of B.N.S. Act.
3. The report reveals that the complainant has received the threat for ransom. However, one day when he was going to Toyota showroom, Nanded, one car was following him. Thereafter, he also followed them, as he suspected. In that car,

accused Balaji was also sitting. Since he had an apprehension of his life at the hands of the accused, he lodged the report. The police arrested the applicants. They were sent to PCR and nothing is recovered from them.

4. The learned counsel for the applicant would submit that only on suspicion they have been arraigned as an accused. They have no concern with the suspicion of the complainant. There are no antecedents to their discredit. The suspicion cannot take the place of proof. In fact no offence is committed. Therefore, they deserve bail.

5. Learned APP has strongly opposed the application and he would submit that the conduct of the applicants and other co-accused was suspicious. They had no reason to follow the car of the complainant. They were rekying him. One of the co-accused called him for settlement for which he denied. A picture was created that if he would not pay the ransom of rupees Two Crore, the complainant has danger to his life. Considering the plan set out by the accused, they may kill the complainant any time. Hence, they should not be granted bail.

6. The facts as discussed above reveal that there were allegations of following car of the complainant and no offence as suspected happened. The complainant appears to be in

contact with one of the co-accused. He was also following the car of the accused to know the truth. It appears that at the most it may be a preparation to commit the crime. No weapons have been recovered from the applicants. The investigation has been completed. The charge sheet has been filed. In view of the facts of the case, further detention of the applicants would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Applications are allowed.
- (ii) Applicant **HANMANT SHIVAJI PATIL** in Bail Application No.1652 of 2024 and applicant **YOGESH SURESH PATIL** in Bail Application No.1653 of 2024 be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount each, on the following conditions :
 - (a) The applicants should not tamper with the prosecution witnesses.
 - (b) They should attend the trial on each and every effective date.

- (c) They should not follow the complainant any time till the trial is concluded.

(S. G. MEHARE, J.)

...

vmk/-