



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 BAIL APPLICATION NO. 2043 OF 2023

Vazirsingh S/o Gurubachansingh Fouji

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. Satej Jadhav h/f Mr.Granthi Manpreet
Ajeet Singh

APP for Respondent/State : Mr.Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 11th JANUARY, 2024.

PER COURT :-

1. The applicant is seeking bail in connection with crime No.81 of 2023 registered with Police Station Sonkhed, Tq. Loha, Dist.Nanded, for the offences punishable under Sections 307, 353, 384, 385, 386, 387, 507, 34 of the Indian Penal Code and sections 3/25, 27(2) of the Indian Arms Act.
2. It is averred in the report that the informant was threatened by this applicant to deliver Rs.1,00,00,000/-. He was put under fear of death. After negotiation, an amount of Rs.2,00,000/- was settled. Informant informed that the applicant and other accused were caught hold while accepting the amount of Rs.2,00,000/-. They were caught hold by the Police on the spot along with money, which

was recovered from this applicant. Therefore, the report is lodged.

3. The applicant contended that he is innocent and falsely implicated in the crime. He has no criminal antecedents. He has roots in the society. Other accused are released on bail. He prayed for bail.

4. The learned advocate for the applicant submitted that informant Tejes was guarantor for purchasing the Car (Harrier). He pointed out the paper obtaining loan from Nanded Merchant Co-operative Bank. The learned advocate for the applicant further pointed out that though it is the prosecution's case that the applicant and co-accused were apprehended on the spot, the applicant was arrested on 04.07.2023. There is no explanation as to why the applicant was arrested after 8 days. The learned advocate for the applicant further pointed out that the prosecution is relying upon the medical certificate of one police official namely Chandrakant Pawar having injury to his left hand. However, it is not clarified as to which of the accused or this applicant caused injury to him. The learned advocate for the applicant further pointed out the statement of son of the applicant in which he has stated that informant is friend of his father i.e. the applicant. The learned advocate for the applicant submitted that the applicant be released on bail on certain conditions.

5. The learned APP for the respondent/State strongly opposed the application. He pointed out the statements of witnesses

and the fact that an amount of Rs.2,00,000/- is seized by the police. He submitted that there is racket of extorting money by threatening in the name of Foreign Country Don Rinda, who committed murder of Sanjay Biyani. He lastly submitted that considering serious nature of the case, the application be rejected.

6. Perused the charge-sheet, particularly the report. There is no explanation as to why the applicant was arrested 8 days after the incident when he was apprehended as soon as the extortion amount was handed over to the co-accused. The statement of son of this applicant show that informant was friend of the applicant and the document of loan transaction of Car shows that the informant was guarantor. If all these aspects are considered then there is reason to believe that the applicant might have been falsely implicated in this case.

7. Considering the fact that the applicant has roots in the society, he will not flee away from the trial. The applicant is not having criminal antecedents, therefore, the application deserves to be allowed on certain conditions. Hence the following order :

ORDER

- I. Application is hereby allowed.
- II. The applicant in connection with crime No.81 of 2023 registered with Police Station Sonkhed, Tq. Loha, Dist.Nanded, for the offences punishable under Sections 307, 353, 384, 385,

386, 387, 507, 34 of the Indian Penal code and section 3/25, 27(2) of the Indian Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
- b) The applicant shall not indulge into such activities.
- c) The observations made hereinabove are prima facie in nature and for deciding the bail application only.

(SANJAY A. DESHMUKH, J.)

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