



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2372 OF 2023

Deepak s/o. Baban Jadhav .. Applicant
Age. 43 years, Occ. Agri.,
R/o. Dongarcha Mala, Nimgaon Wagha,
Tq. & Dist. Ahmednagar.

Versus

The State of Maharashtra .. Respondent
Through its Investigation Officer,
Kotwali Police Station, Ahmednagar,
Tq. & Dist. Ahmednagar.

Mr.N.B. Narwade, Advocate for the applicant.
Mr.M.K. Goyanka, APP for the respondent/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 12.02.2024

PC :-

01. This is an application for grant of bail under section 439 of the Cr.PC. The applicants and other accused are arrested in the Crime bearing No. 909 OF 2023 registered with Kotwali Police Station, Ahmednagar for the offences punishable under sections 143, 147, 307, 327, 452, 427, 504, 506 of the Indian Penal Code.

02. It is averred in the report that informant's wife is having illicit

relations with the applicant and she is residing with her son Shivraj. His wife submitted a proceeding for divorce in the Family Court, Ahmednagar. The informant got hand-loan of Rs.2,50,000/- from Deepak. He was demanding that amount. Then golden ornaments of 7.50 tolas were mortgaged in the Urban Bank, Ahmednagar and an amount of Rs.2,50,000/- was obtained by the applicant.

03. It is further averred in the report that on 12.06.2023, the informant met with an accident. He again demanded R.20,000/- as hand loan to this applicant for treatment. Thereafter, the applicant started harassment. Brother and relatives of this applicant, Sagar Thagne, Siddheshwar Jadhav, Ganesh Jadhav and Anil Jadhav were insisting not to take divorce and convince his wife otherwise they will eliminate him. They also abused the informant on 05.08.2023 and came back at about 08.00 p.m. along with wooden log. That time, Sagar and Anil beaten him with fist and kick blows and also threatened him that they will eliminate him if he is going to report the matter to the police. On 10.08.2023 at about 02.00 p.m. Anil Jadhav made phone call to the informant and requested him to settle the matter. Thereafter, they came there along with Siddheshwar, Ganesh, Anil and

Deepak. The talk took place about hand-loan of Rs.3,50,000/- and it was insisted him to co-habit with her wife and also assured that they will try to maintain their man/applicant. Thereafter, after half an hour, all these persons came along with Sagar and Sagar assaulted the informant by wooden log and demanded Rs. 9 lakhs to him and threatened that he will eliminated him and also unearth his house by JCB machine. That time they took away CC TV, DVR machine, mouse and mobile handset, which was broken down. While going back they caused damaged to his car – Tata Altroz by breaking front mirror of left side. They took away all these articles. Therefore, report was lodged on 11.08.2023.

04. The learned Advocate for the applicant submitted that the report does not disclose that the applicant was present at the time of alleged incident. The learned Advocate for the applicant submitted that the applicant is falsely implicated in the crime. The applicant has no criminal antecedents. He has roots in the society.

05. The learned APP strongly opposed the application and submitted that the applicant is involved in the crime. Certainly, he will pressurize the

prosecution witness. It is lastly prayed to reject the application.

06. Perused the charge-sheet. The injury certificate of the informant shows that he had sustained simple injury and report shows that he was assaulted by Sagar and not by this applicant. The injury sustained to one Sandesh – 14 years son of the informant also shows that no external injury is seen. Considering the fact that the applicant's name is not appearing in the report, charge-sheet is filed and his presence can be secured for the trial, the application deserves to be allowed on certain conditions.

07. The application is allowed. The applicant be released on bail on execution of PR bond of Rs.50,000/- (Rupees Fifty Thousand) with solvent surety in like amount on following conditions :-

- a) The applicant shall not pressurize the prosecution witness and tamper the evidence.
- b) The applicant shall not enter into village Kedgaon till the conclusion of the Trial.

[SANJAY A. DESHMUKH, J.]