

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1555 OF 2024

Satish Ramkisan Khedkar

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Shubham Wadne i/b. Mr. Divyesh Jain and Mr. Nitin Patil, for the Applicant.

Mrs. Mahalaxmi Ganapathy, APP, for the Respondent/State.

WPSI. Mrs. D.D. Musale, Koregaon police station.

CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 10, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 382 of 2023 registered at Koregaon police station, Satara for the offences punishable under sections 363, 364-A and 365 of Indian penal Code, 1860 (the Penal Code).
3. Dynaneshwar Waghmare (the victim) is the husband of the first informant. The victim had entered into an agreement with Jarandeshwar Sugar Factory to provide labourers to cut sugarcane, for the season 2021-21. The victim had availed an advance of Rs. 10 lakhs. The applicant was the guarantor for the due performance of the contract by the victim.
4. The labourers engaged by the victim did not turn up.

Thereupon, the applicant started to pester the victim to repay the advance to the said sugar factory.

5. On 24th August, 2023 the applicant called the first informant at Koregaon Court on the pretext that the sugar factory had instituted a proceedings. Therefrom, the victim was made to board a Mahindra XUV car on the pretext that they would go to Jarandeshwar Sugar factory and settle the accounts. The victim was allegedly taken to an unknown place. He was abducted and wrongfully confined. The victim informed the first informant that he was abducted by the applicant and his associates. Eventually, the victim was rescued by police.

6. Mr. Wadne, the learned counsel for the applicant, submitted that as the applicant was the guarantor for the advance availed by the victim from the sugar factory and the victim did not supply the labourers, the applicant was insisting for the refund of the amount. To obviate any action by the applicant, a false report of abduction, wrongful confinement and assault came to be lodged. Attention of the Court was invited to an order passed by this Court on 26th December, 2023 whereby the co-accused were granted relief of pre-arrest bail. It was submitted that the applicant is also entitled to the same dispensation.

7. Mrs. Ganapathy, learned APP, on the other hand, invited

attention of the Court to the statement of the victim and the statement of a witness namely Khashaba Patole, who stated that he learnt that, the victim was kept in the shed of his brother in law Ramesh Madne at the instance of the applicant.

8. Prima facie, the genesis of the alleged offence appears to be in the transaction between the victim and Jarandeshwar Sugar factory. The victim had entered into a contract to supply the labourers to cut the sugarcane and had availed an advance of Rs. 10 lakhs. The victim could not perform the promise. It appears that the applicant, being the guarantor for the due performance of the said promise, was called upon by the factory to make good the loss. On the own showing of the first informant and the victim, the applicant was insisting for the refund of the said amount. The allegations against the applicant deserve to be appreciated through the aforesaid prism.

9. The question as to whether the applicant had the intent to abduct the victim bears upon the complicity of the applicant. Probabilities of the case, in the backdrop of the genesis of the alleged offences, also deserves to be taken into account. Prima facie, it does not appear that after the victim was allegedly rescued, the victim was subjected to medical examination by the investigating agency. The statement of Kashaba Patole pressed into service on

behalf of the prosecution, to implicate the applicant as the person at whose instance the victim was allegedly abducted, prima facie, does not bear the weight of accusation as the said witness claimed to have learnt about the role of the applicant in the alleged abduction.

10. Having regard to the nature of accusation, prima facie, the custodial interrogation of the applicant does not seem warranted. The applicant appears to have roots in society. Possibility of fleeing away from justice appears remote.

11. I am, therefore, inclined to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

1] The application stands allowed.

2] In the event of arrest in C.R. No. 382 of 2023 registered at Koregaon police station, Satara police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

3] The applicant shall cooperate with the investigation and attend Koregaon police station as and when directed by the investigating officer.

4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant,

any of the prosecution witnesses or any person acquainted with the facts of the case.

5] The applicant shall regularly attend the proceedings before the jurisdictional Court.

6] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)