



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3633 OF 2023

Mahadevappa Bassappa Halemani ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Priyal G. Sarda a/w Ms. Seema S. Dighe, Advocate for the Applicant.

Mr. A.A. Naik, APP for the Respondent – State.

P.C. Shri Yogesh M. Birajdar, Present.

CORAM : N. J. JAMADAR, J.
DATE : 1st JULY 2024.

PC.:

1. Heard learned counsel for the Applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with C.R. No.706 of 2023 registered with Jath Police Station, Dist. Sangli for the offences punishable under Section 364A, 385, 344, 452, 506 r/w 34 of the Indian Penal Code, 1860 (for short “Penal Code”).
3. On 22nd December 2023 this Court had granted interim bail by adverting to the prosecution case and also considering the fact that there was material to indicate that the FIR did not advert to real transaction between the Applicant and Ramesh, to the fullest. The

observations in paragraphs 7 to 12 read as under:-

- “7. I have perused the allegations in the FIR carefully. Evidently, the FIR itself adverts to the transaction between the applicant and Ramesh, the son of the first informant, in as much as it is alleged that the applicant had credited an amount of Rs.6,00,000/- to the account of Ramesh and the latter could not provide the laborers, as agreed, for the laborers did not turn up. The first informant alleged that later on the applicant demanded a ransom of Rs.14,50,000/- to release her husband.
8. Prima facie, there is material in the form of the statement of account of the applicant maintained with the Karnataka Bank Limited, which indicates that during the period 17th July, 2023 to 16th October, 2023, the applicant had transferred an amount of Rs.14,50,000/- to the account of Ramesh, the son of the first informant.
9. At this stage, the said material prima facie lends support to the claim on behalf of the applicant that the FIR does not advert to the real transaction between the applicant and Ramesh, to the fullest.
10. Another factor which bears upon the entitlement to pre-arrest bail, is the delay in reporting the matter to police. The husband of the first informant was allegedly abducted on 23rd October, 2023. The FIR came to be lodged on 2nd November, 2023. Ramesh allegedly

returned home on 25th October, 2023. It the alleged that the applicant had allegedly demanded a sum of Rs.14,50,000/- by repetitively calling Ramesh, to release his father. Prima facie, the delay assumes significance.

11. It would be contextually relevant to note that while releasing the co-accused, on regular bail, the learned Additional Sessions Judge has, inter alia, recorded that it was not the case of the prosecution that the accused had caused any harm to the victim.

12. In the aforesaid view of the matter, a prima facie case is made out to grant interim relief.”

4. The learned counsel for the Applicant submits that the Applicant has appeared before the Investigating Officer and co-operated with the investigation.

5. Having regard to the tenor of the allegations in the FIR, the reasons which weighed with this Court in granting interim bail and the time lag, I am inclined to make the order of interim bail absolute.

Hence, the following order.

ORDER

- (i) The order of interim bail dated 22nd December, 2023 is made absolute on the terms and conditions incorporated

therein.

- (ii) In addition, the Applicant shall henceforth appear before the Investigating Officer as and when required.
- (iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court.
- (iv) Application disposed.

(N. J. JAMADAR, J.)