

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2039 OF 2024

Dhiraj Ramesh Thorat

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Akash R. Pandey (Through VC), Advocate, for the Applicant.
Mr. S. S. Chaudhari, APP, for the Respondent – State.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 07.05.2024**

P. C.

1. Heard Mr. Pandey, learned Counsel for the Applicant and Mr. Chaudhari, learned APP for the Respondent – State.

2. The Applicant is seeking regular bail in connection with C. R. No.158 of 2024 registered with the Tembhurni Police Station, Solapur (Rural) for the offences punishable under Sections 307, 326, 323, 120B, 143, 147, 148, and 149 of the *Indian Penal Code, 1860*, under Sections 3, 25, and 27 of the *Arms Act, 1959*, under Sections 39 and 45 of the *Maharashtra Money-Lending (Regulation) Act, 2014* and under Section 135 of the *Bombay Police Act, 1951*. The Applicant was apprehended on 24.03.2024.

3. The prosecution case is set out in paragraph No.2 of the Order dated 24.04.2024 passed by the learned Additional Sessions Judge, Barshi, District – Solapur passed in Cri. B. A. No.177 of 2024 which reads as under:

“2. The factual matrix of the prosecution case is that, the complainant Rahul Mahadev Pawar is permanent resident of Tembhurni, Tal. Madha, Dist. Solapur. He is doing a business of selling of vegetable. In the year 2016, one Ramesh Thorat was running Bhishi. The complainant was borrowing the money from him with interest. Therefore, he has having good relations with him. In the year 2017, he had taken the amount of Rs. 6,00,000/- from him with interest @ 5% for releasing the land of his father-in-law. He had returned the amount of Rs. 5,40,000/- to Ramesh Thorat. Further it is alleged that, during the period of lock-down, his business was stopped, due to that, he could not repay the remaining amount along with interest to him. Thereafter, in the year 2021, the complainant took the amount of Rs. 2,00,000/- from him for vegetable business. In April, 2023 Ramesh Thorat passed away and the applicant was coming to him for collection of interest amount. The complainant had given the amount of Rs. 1,00,000/- to the applicant in the presence of Vishal Kale and Vijay Yadav. He also pay some amount to him through on line. However, the applicant was demanding of Rs. 12,00,000/- to him. At that time, the complainant told him that, he has been paid the said amount to his father and agreed to pay the balancing amount to him. But, the applicant was not in a position to listen it. He was making the demand of Rs. 12,00,000/- to him. In the meeting held with Babaraje Bobade, applicant threatened to kill him for his money. Further it is alleged that, on 24.3.24 at about 5.40 pm, the complainant was selling the vegetable from his shop, at that time five unknown persons came by black car to his shop. They get down from the car. One of them had a hat on his head, two of them, by holding the pistol in their hand entered in his shop. They pointed the pistol towards him with intention of shooting. One person fired two shots and other person fired a bullet on him with intent to kill him and it was hit in his thigh. At that time, other three persons entered in his shop. One of them was holding a sickle in his hand. He assaulted him with sickle on his head. Due to that, blood was oozing from his head. Other two persons assaulted him with hand. After listening the voice of quarrel, the people gathered there. Thereafter, they ran away from that place. At that time the complainant realized that, the said persons committed the attack on him at the instigation of the applicant on account of non giving of his money.

Thereafter, the complainant lodged the report to Tembhurni Police Station. On his report, Crime No. 158/2024 came to be registered against the applicant and five unknown persons for the offences punishable under sections 307, 326, 323, 120(b), 143, 147, 148, 149 of the Indian Penal Code, sec. 135 of the Maharashtra Police Act, sec. 3, 25 & 27 of the Arms Act & sec. 39 & 45 of the Money Lending Act.”

4. As per the prosecution case, the Applicant is the main conspirator and that it was at his instance that the Accused have assaulted the injured in the incident in question. The injured was attacked by firing bullets as well as he was assaulted on his head with a sickle. As a result of this assault, grievous injuries were caused to the injured. Investigation is in progress. Charge-sheet is not filed yet.
5. No case is made out for grant of bail to the Applicant. However, the Applicant is at liberty to file a fresh Bail Application after filing of the Charge-sheet before the learned Sessions Judge.
6. The Bail Application stands rejected.

[MADHAV J. JAMDAR, J.]