

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.492 OF 2024**

Rahul @ Pappu Hari Sonavne ... Applicant
versus
The State of Maharashtra ... Respondent

**WITH
BAIL APPLICATION NO.1908 OF 2024**

Amol Madhukar Nade ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Aniket Vagal with Mr. Kunal N. Pednekar, for Applicants.
Mr. A.A.Naik, APP for State in BA 492 of 2024.
Mr. C.D.Mali, APP for State in BA No.1908 of 2024.

CORAM: N.J.JAMADAR, J.

DATE : 19 JUNE 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicants who are arraigned in C.R.No.285 of 2023 registered with Yeola City Police Station for the offences punishable under Sections 386, 388, 364A, 420, 167, 506 read with Section 34 of the Indian Penal Code and Section 3 read with 25 of the Arms Act, 1959, have preferred these applications for bail.
3. Pooja Mahesh Vanjari, first informant, lodged a report with the allegations that her brother Prasad Anil Bhadange was in financial constraints. Applicant Amol Nade represented to Prasad Bhadange that he was not required to approach the financial institutions for financial assistance and took Prasad to Sachin B.

Patil, absconding accused. Sachin B. Patil and his associates, including the applicant – Amol and Rahul, abducted the first informant, her brother Prasad and sisters and made them to execute registered instruments in favour of number of persons. The first informant and her brother and relatives were forced to execute instruments on the point of gun. A sum of Rs.10 Lakhs was paid to Prasad. The applicants and the co-accused extorted a sum of Rs.2 Lakhs p.m. towards interest on the said amount.

4. Learned Counsel for the Applicants submitted that the registered instruments were executed by Prasad and his relatives. There is no material to indicate that any of the applicants had received the amount. A bald allegation of collection of a sum of Rs.2 Lakhs p.m. has been made against the applicant – Rahul. In contrast, there is material to indicate that the amounts were credited to the account of Prasad towards consideration for the registered instruments executed by Prasad and his relatives. Therefore, the applicants deserve to be enlarged on bail.

5. Learned APP resisted the prayer for bail. It was submitted that Amol was a go between. He had taken Prasad to Sachin Patil, the principal accused. Rahul was the person who had collected an exorbitant amount towards interest by putting Prasad in fear.

6. I have perused the report under Section 173 of the Code and the documents annexed with it. Evidently, the registered instruments were executed by Prasad and his relatives. From the perusal of the allegations in the FIR, and the

statements of the first informant and other witnesses recorded under Section 164 of the Code, it appears that the prosecution will have to surmount the challenge to the prosecution on the count of inherent improbabilities of the version of the witnesses. At any rate, there is no material to show that Amol and Rahul were the ultimate beneficiaries of the transactions pertaining to the immovable properties which the first informant and other victims were allegedly coerced to enter into.

7. Investigation is complete. Chargesheet has been lodged. Further detention of the applicants, therefore, does not seem warranted. Hence, I am inclined to exercise discretion in favour of the applicants.

8. Hence, the following order :

ORDER

(i) The Applications stand allowed.

(ii) The Applicants – Rahul @ Pappu Hari Sonavne and Amol Madhukar Nade be released on bail in C.R.No.285 of 2023 registered with Yeola City Police Station on furnishing a PR bond in the sum of Rs.30,000/- each and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicants shall mark their presence at Yeola City Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicants shall not tamper with the prosecution evidence. The

applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicants shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicants and the trial Court shall not be influenced by any of the observations made hereinabove.

Applications disposed.

(N.J.JAMADAR, J.)