

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

ANTICIPATORY BAIL APPLICATION NO.1398 OF 2024

Amit Ramesh Gavhane

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Nagesh Y. Chavan, for the Applicant.

Mr. S. H. Yadav, APP for the Respondent/State.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th AUGUST, 2024

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1. The Applicant is seeking anticipatory bail in connection with C. R. No.129 of 2024 dated 27th March, 2024 registered at Nigadi Police Station, for the offence under Sections 323, 365, 504, 506 r/w 34 of IPC.

2. Heard Mr. Chavan, learned counsel for the Applicant and learned APP Mr. Yadav, for the Respondent/State.

3. The FIR is lodged by one Nitin Kaul. He was friend of one Anand Bachchewar. On 27th March, 2024 at around 11:30 the first informant was called by Anand Bachchewar to Aangan Hotel, because Anand had some meeting in respect of a plot at Nashik Phata. The informant reached there at around 12.15 p.m. Anand was present there. While the informant and Anand were having

discussion, the present Applicant and one Sujit Gavhane came in a four wheeler. All of them sat in the hotel for a meeting. At that time, the Applicant and Sujit started threatening and abusing Anand. They were forcing him to sign some document. They threatened him that if he did not sign, he would face dire consequences. Anand told the Applicant and Sujit to give him some time. After that all of them came out of the hotel. The Applicant and Sujit left the place as they had received some call. At about 12.15 p.m. again the Applicant, Sujit, co-accused Archana Jagtap and Krishna came in the same car. They came near Anand and started abusing him. Anand was forced by Sujit to sit in the car. The Applicant sat on the driver's seat and he started their car. The car was taken towards the office of the Commissioner of Police. The informant followed them on his two wheeler. The car was not taken to that office, but it was stopped at a corner. The informant saw that Krishna and Sujit were assaulting Anand. The informant told the present Applicant that they should not assault Anand and that they should settle the dispute. The Applicant told the informant that he should tell Anand to sign the document. After that, the car was taken ahead and the informant could not follow them further. The informant apprehended some serious incident and therefore, he made a phone call for police help at around 01:22 p.m. by dialing number 112. The police reached there. The informant went to Nigadi Police Station to lodge the FIR. The investigation was carried out and it appears that the police had reached the spot where Anand was taken and they rescued him.

Learned counsel for the Applicant submitted that the Applicant had no serious role to play in the entire episode. His role was almost similar to the co-accused/Archana, who is granted anticipatory bail in this offence. Learned counsel claimed parity with her. He further submitted that the Applicant was merely driving the car. He had not taken any part in assaulting the victim Anand. The Applicant had attended the concerned Police Station, while he was on interim bail and therefore, his custodial interrogation is not necessary.

4. Learned APP on the other hand strongly objected to grant of relief. He submitted that the Applicant's role is spelt out not only in the FIR, but also in the statement given by the victim Anand. He submitted that the co-accused Sujit, who was similarly placed as the Applicant, had approached this Court for anticipatory bail vide ABA No.2177 of 2024. That Application was withdrawn after arguments, as is recorded in the order dated 14th August, 2024 in that Application. He submitted that the offence is serious and therefore, considering gravity of the offence, anticipatory bail should not be granted to the Applicant. The victim was forcibly taken away in broad daylight showing total disregard to the law and order.

5. I have considered these submissions and I have also perused the statement of the victim Anand recorded during the investigation. He has stated that he was knowing Archana and Sujit. In 2023, Archana had lost her husband and then she had told Anand

that she had married co-accused Krishna. The victim Anand was developing a property at Bhosari having Survey No.515/1A/2 admeasuring 9 R. The victim Anand did not have sufficient funds. He was looking for the investors. Archana and Krishna showed interest. The victim Anand had a partnership firm by the name United Associates. He was having 40% share in that firm. Krishna and Archana had paid him Rs.21,38,800/-. Out of that, Anand paid some amounts to his partners. Krishna had given post dated cheques to Anand's partner to Anil Batra. In lieu of that, the partners gave 54% shares to Krishna and Archana. But the post dated cheques were dishonoured and therefore, Anil Batra raised objection for entering Krishna and Archana's names in the partnership firm. Therefore, both of them could not officially become partners of the firm. In the meantime, the price of that land escalated manyfold and therefore, Krishna and Archana wanted 100% shares of the firm. They were forcing Anand to sell his shares. For that they were threatening Anand. The victim Anand was introduced to the Applicant and Sujit by Krishna and Archana.

6. After narrating this background, Anand had described the incident dated 26th March, 2024, which is similar to the narration given by the first informant. He has further added that after he was forced to sit in the car, the Applicant told him that they had made a complaint to Commissioner of Police office and that he would be taken there, but the car was stopped at some distance before the Commissioner of Police office. Accused started

threatening Anand. He was assault by Sujit and Krishna. At that time, the Applicant and Archana were threatening him. After that, the car was taken in a premises at Kasarwadi. Anand was threatened again and he was asked to sign some documents. When he declined, Krishna Jadhav assaulted him with iron rod. In the meantime, the owners of the premises Shitole and Khandve came there and all of them sat in a cabin. In the meantime, the police came there and rescued him.

7. All these events narrated by the victim Anand show that the accused had played an active role. Each of them had played a separate role, which is described in his statement. Though co-accused Archana is granted anticipatory bail; the main consideration was that she was a lady, however, the Applicant's role is different. He was involved in the offence, which had taken place in two parts on that day. In the first part, the Applicant and Sujit had come together and had threatened Anand. After sometime, all the accused came together and had abducted Anand and he was assaulted. The informant as well as Anand have stated as to how the Applicant had taken part in threatening and abducting the victim. The offence is quite serious.

8. The co-accused Sujit had withdrawn his anticipatory bail application after arguments. Krishna Jadhav's anticipatory bail application is also rejected by this Court. Learned counsel submitted that Krishna Jadhav has approached the Hon'ble Supreme Court.

9. I have considered all these submissions and in particular I have considered the statement of the victim and the FIR. A specific role is attributed to the Applicant. Therefore, it cannot be said that the Applicant was not involved in the offence. The victim could be saved only because of timely intervention of the police. Considering all these aspects and particularly considering the gravity of the offence, no case for grant of anticipatory bail is made out.

10. The Application is therefore rejected.

(SARANG V. KOTWAL, J.)