

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

ANTICIPATORY BAIL APPLICATION NO. 1520 OF 2024

Krishna @ Shrikrishna Manik Jadhav

..Applicant.

Versus

The State of Maharashtra

..Respondent

Mr. Nilesh Wable a/w. Ms. Stefy J. Dias i/b. Umesh R. Mankapure
for Applicant.

Mr. Prashant P. Jadhav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 11 JUNE 2024

PC :

1. The applicant is seeking anticipatory bail in connection with C.R.No.129 of 2024 registered with Nigdi police station, Pimpri-Chinchwad, on 27.03.2024, under sections 323, 365, 504 and 506 r/w. 34 of the I.P.C.

2. Heard Mr. Nilesh Wable, learned counsel for the Applicant and Mr. Prashant Jadhav, learned APP for the State.

3. The F.I.R. is lodged by one Nitin Kaul. He has stated that on 27.03.2024, his friend Anand called him near hotel Angan at Nashik phata. The informant went there. At that time, two persons

namely Amit and Sujit came there in a car. They started threatening Anand and asked him to make signatures on some documents. Anand sought some time. Amit and Sujit left the place. At about 12.50p.m, they returned in a Maruti car. They were accompanied by other accused Archana Jagtap and the present applicant. They got down from the car. They came near Anand. They started abusing and threatening him. Sujit forced Anand to sit in car. The applicant sat next to Anand. They started going towards the Commissioner of Police's office. The informant followed them on his motorcycle. But the car was stopped on the way. The informant saw that the applicant and Sujit were assaulting Anand. The informant tried to intervene, but he was ignored. Anand was taken further in the same car. The informant thereafter called the police help by making a call on phone number 112. The police came. The F.I.R. was lodged. It appears that the police rescued Anand and thus he was saved. On these allegations the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the alleged victim Anand had taken huge amount from the informant

and his wife. He was not returning that amount. The applicant was cheated and, therefore, the applicant had lodged a complaint against the said victim Anand. That complaint was given to the Police Inspector, Bhosari police station on 09.10.2023. Learned counsel further relied on the agreement of partnership dated 22.06.2023, in which, the applicant and co-accused Archana were also the parties. He submitted that the alleged victim Anand has cheated the applicant. There was a dispute about development of the land and, therefore, the applicant is falsely implicated.

5. Learned counsel relied on the order dated 06.05.2024 passed in A.B.A.No.1257 of 2024 by which the co-accused Archana was granted anticipatory bail by this Court. He also relied on ad-interim order dated 17.05.2024 passed in A.B.A.No.1398 of 2024 by which the co-accused Amit was protected by way of ad-interim order. He, therefore, submitted that the applicant be granted anticipatory bail. His custodial interrogation is not necessary.

6. Learned APP opposed these submissions. He invited my attention to the paragraph-7 of the order dated 06.05.2024 in

which it was clearly mentioned that the co-accused Archana was granted anticipatory bail because of the lesser role played by her and because she was a lady. He submitted that parity does not apply in favour of the present applicant. He further submitted that co-accused Amit's order shows that it was only an ad-interim order and it was based on the statement of the I.O. that the said applicant would not be arrested till the next date of hearing. There is no consideration of merits of the matter.

7. I have considered these submissions. I have also perused the statement of the victim Anand produced before the Court by the learned APP. The said victim Anand has described the incident. In the initial part of his evidence, he has described the dispute between the applicant and Anand himself. As far as the incident is concerned, he has stated that on 27.03.2024 he went to Angan hotel to meet the accused. Learned counsel for the applicant submitted that the victim Anand himself had shared the location of the spot. In that context, it can be seen that the meeting was fixed by all the parties and, therefore, sharing of the location by Anand does not help the applicant's case in any way. The victim Anand

further described the incident. He has stated that the accused Amit and Sujit initially came there and abused him. After some time, they returned with the co-accused Archana and the present applicant. He was forced to sit in a car. He was abducted. He was confined. He was taken away from the spot. Purportedly they were taking him to Police Commissioner's office, but the car was stopped on the way. The victim was threatened to put his signature on the documents. It is specifically mentioned by him that Sujit pressed his throat and the applicant started assaulting him with fist. After that the car was taken towards Kasarwadi. It is specifically mentioned by him that the applicant assaulted him with an iron rod. He was taken to the cabin of the owner of that place. In the meantime, the police squad came there and rescued him. Then he was brought to Nigdi police station. All this description shows that the offence is committed by the applicant. A specific role is attributed to him. The victim was abducted forcefully in the car. It is a serious offence. Assuming that, there was some dispute between the parties, that did not mean that the applicant could take law in his own hands. The victim was

abducted, confined and assaulted. It is only because of timely help sought by the first informant from the police and since the police could reach there, they had rescued the victim. As rightly submitted by the learned APP, ground of parity is not available to the present applicant. The order passed in favour of the co-accused Archana clearly mentioned that she was a lady and she had lesser role to play. These were the grounds for granting anticipatory bail to accused Archana. These grounds are not available to the applicant. The applicant has actually assaulted the victim.

8. In this view of the matter, considering the gravity of the offence, no case for grant of protection of anticipatory bail is made out.

9. The application is rejected.

(SARANG V. KOTWAL, J.)