

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

ANTICIPATORY BAIL APPLICATION NO. 2629 OF 2024

Vikas Madhukar Mane

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Ghanasham Jadhav, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.
- Mr. Pradip Kakasaheb Bhitale, API, Baramati Police Station.

CORAM : MANISH PITALE, J.

DATE : 27th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Jadhav, learned counsel for the applicant and Mr. Sonavane, learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0640 of 2024, dated 19.08.2024, registered at Police Station Baramati City, District Pune, for offences under Sections 323, 342, 363, 365, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC) and Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. The informant in the present case is the wife of the victim. It is alleged that co-accused persons had given loan to the informant and her husband, who run a restaurant. They were asking return of the loan amount

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with very high rate of interest, to the effect that ₹ 10,000/ per week would have to be additionally given. It is stated that although some amount has been repaid by the informant and her husband, the accused persons started putting pressure on them to return the amount. In that process, specific allegation is leveled against the applicant that he alongwith the co-accused persons forcibly took away four wheeler of the husband of the informant. Thereafter, specific allegations are made about the manner in which the husband of the informant was abducted and beaten. It is alleged that due to the violence inflicted by the accused persons, including the applicant, the informant and her husband could not gather courage to approach the police, leading to some delay in lodging the FIR.

4. The learned counsel for the applicant submits that the FIR is delayed by three months. There is no explanation for the same. It is submitted that considering the delay in registration of the FIR, it can be said that the applicant has been falsely implicated. He has no criminal antecedents and since he is ready to cooperate with the investigation, this Court may consider allowing the present application.

5. On the other hand, the learned APP has opposed the present application. He relies upon the statement of the informant, leading to registration of the FIR, as also the statement of the victim i.e. husband of the

informant, recorded after registration of the FIR. It is submitted that the aforesaid statement of the victim described in detail, as to the manner in which he and his wife were terrorized, due to the actions of the accused persons, including the applicant. On this basis, it is submitted that since the FIR was registered recently on 19.08.2024 and investigation is at nascent stage, this Court may not grant relief to the applicant.

6. This Court has perused the material on record. The statement of the informant describes in graphic detail as to the manner in which the accused persons, including the applicant harassed her husband. Specific allegations have been leveled against the applicant about forcibly taking away the four wheeler of the informant's husband. The active involvement of the applicant in abducting and inflicting violence on the husband of the informant, is *prima facie* made out as per the contents of the statement, leading to registration of the FIR.

7. The statement of the victim i.e. the informant's husband also shows the manner in which the applicant and co-accused persons harassed him by first taking away his four wheeler forcibly and thereafter, abducting him and beating him for return of the amount advanced to him.

8. Considering the contents of the said statements, the explanation given by the informant that she and her husband could not approach the

police earlier, due to the fear of the accused, appears to be reasonable and it cannot be said that there is no explanation as to why the FIR came to be registered about three months after the incident.

9. Considering the aforesaid material, no case is made out for granting relief of anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)