

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

ANTICIPATORY BAIL APPLICATION NO. 3262 OF 2024

1. Pankaj Gajendra Garud
 2. Prashant Gajendra Garud
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Aniket Vagal a/w Mr. Kunal N. Pednekar, for Applicant.
- Mr. Tanveer G. Khan, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 06th DECEMBER, 2024.

P. C. :

1. Heard, Mr. Vagal, learned counsel for the applicants and Mr. Khan, learned APP for respondent – State.

2. The applicants are apprehending arrest in connection with First Information Report No.0734 of 2024, dated 01st November, 2024, registered at Police Station Ambad, District Nashik, for offences under Sections 119(1), 140(2), 140(3), 127(2), 127(3), 127(6), 127(7), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. In the present case the aforesaid offences registered against the applicant show serious offences of abduction for ransom i.e. under Section 140(2) and 140(3) of the BNS. The offence under Section 140(2) of the BNS provides for punishment of imprisonment for life.

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4. The learned counsel for the applicant submitted that a commercial dispute is being given the colour of criminality by the informant making exaggerated allegations. It was submitted that a simple dispute with regard to the amount payable by the informant to the applicants in the light of the onions supplied by the applicants, has been twisted to give a serious colour to the entire dispute.

5. It was further submitted that even if the statement of the informant is taken into consideration, it is evident that the informant joined the company of the applicants and moved around with them at various places, indicating that there was no force or coercion in the process. Reliance was sought to be placed on the documents to indicate that the informant was indeed required to pay substantial amount to the applicants.

6. On the other hand, the learned APP opposed the present application. He submitted that the ingredients of the serious offences are clearly made out in the present case and no indulgence can be shown to the applicant.

7. This Court has carefully perused the statement of the informant, leading to registration of the FIR. The sequence of events is described and with regard to the incident that happened on 24th October, 2024 onwards, it is

specifically stated that when the informant went to pay cash amount of ₹ 49,000/- to the applicants, they picked him up in a vehicle and took him around various places. Even if it is to be accepted that initially the informant did join the company of the applicants in the aforesaid manner, there are specific allegations as to the manner in which the applicants alongwith others forced the informant into another vehicle and thereafter they kept him confined in a room making a demand of ₹ 4 Lakhs, not only from the informant but also from his father. It is specifically alleged that the applicants took away mobile phone of the informant and made him call up his father from another mobile phone, reiterating the demand of payment of ₹ 4 Lakhs.

8. The said allegations *priama facie* make out the serious offences registered against the applicant. Even if it is to be considered, for the sake of arguments, that some amount was due from the informant to the applicants, the aforesaid alleged actions undertaken by them cannot be justified on the ground that commercial dispute existed between the parties.

9. No case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)