

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

ANTICIPATORY BAIL APPLICATION NO. 3263 OF 2024

1. Anita @ Vijaya Ashok Surwase		
2. Janmejay Ashok Surwase	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Sachinkumar P. Rajepandhare for the Applicants.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Mr. Ramesh G. Ohval, PSI, Mohol Police Station.

**CORAM: MANISH PITALE, J.
DATE : 6th DECEMBER 2024**

P.C. :

1. Heard learned counsel for the applicants and learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0549 of 2024 dated 23rd August 2024 registered at Mohol Police Station, Dist. Solapur, for offences under Sections 140(2), 119(2), 115(2), 351(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. In this FIR, one of the serious allegations pertains to offence under Section 140(2) of the BNS, which concerns kidnapping or abduction for ransom.

4. The informant has alleged that the applicants, who are

stepmother and stepbrother, under threat and coercion, forced her to go to the office of Registrar at Pandharpur and to execute a relinquishment deed in their favour. It is specifically alleged that one of the threats pertained to the real brother of the informant, who lives with the applicants to the effect that the applicants would harass and kill the said real brother, if the informant did not execute the relinquishment deed.

5. The learned counsel for the applicants submits that the FIR is registered after 3 days of execution of the registered relinquishment deed. It is highlighted that the real brother of the informant is one of the beneficiaries under the registered relinquishment deed, thereby falsifying the allegations made against the applicants. It is submitted that the applicants are ready to cooperate with the investigation.

6. On the other hand, the learned APP submits that the informant appears to be an illiterate person and under threat and coercion, she was made to execute the said document. There are specific allegations as to the manner in which the informant was picked up and taken to the office of the Registrar on the date when the document was executed.

7. This case concerns serious allegations. But, this Court *prima facie* finds substance in the contention raised on behalf of the applicants, with regard to the real brother of the informant being a beneficiary under the registered relinquishment deed. If the

beneficiaries under the said document were only the applicants, to the exclusion of the real brother of the informant, it would have been a different matter, but since he is also one of the beneficiaries, some doubt is created about the alleged threats given by the applicants to the informant about ill-treatment that would be given to her real brother, if she did not execute the registered relinquishment deed. In this context, delay of 3 days in registration of the FIR assumes significance and therefore, this Court is inclined to grant interim relief.

8. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicants are arrested in connection with FIR No. 0549 of 2024 dated 23rd August 2024 registered at Mohol Police Station, Dist. Solapur, they shall be released on bail on furnishing PR Bond of Rs.15,000/- each and one or two sureties in the like amount.
- (b) The applicants shall remain present before the Investigating Officer on 9th December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the investigation.
- (c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

9. In the event, the applicants violate any of the aforesaid conditions, the order passed today would be recalled.

10. List this application for further consideration on 16th January 2025 (High on Board).

MANISH PITALE, J.