

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1302 OF 2024

Sandeep Govind Walke	Applicant
versus	
The State of Maharashtra	Respondent

WITH
INTERIM APPLICATION NO.2351 OF 2024

Mahesh Popat Kate	Intervenor
-------------------	------------

In the matter between:

Sandeep Govind Walke	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Aniket Nikam i/by Mr.Amit Icham, Advocate for Applicant.
Mr.Siddharth Jagushte, Advocate for Intervenor.
Mrs.Geeta PMulekar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 18th July 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.271 of 2021, registered with Sangvi Police Station, District Pune, for the offences punishable under Sections 364A, 365, 386, 452, 506(2), 143, 147, 149 of the Indian Penal Code r/w Section 3(25) of Indian Arms Act r/w Section 39 of Money Lending act r/w Section 7 of Criminal Law Amendment Act.

3. In the present matter the allegation against the Applicant, is that he works as a Recovery Agent for the key accused Babasaheb Gaikwad in loan matters. Further the allegations are that in the present matter he threatened and intimidated the complainant to get the title of the immovable property of complainant transferred in favour of main accused.

4. Learned counsel for Applicant submitted that the informant was in duress and he requested for hand loan from the main accused which was paid to him and since he failed to repay, there was a demand. It is pointed out that one and half years prior to the present FIR, another FIR was lodged and present FIR is the glorified version of earlier FIR. He therefore submitted that Applicant has been falsely implicated in the alleged offence. He further submitted that Applicant is in jail from last three years and since charge sheet has been filed, he may be released on bail.

5. Having gone through the charge sheet and the material collected by the Investigating Officer during the investigation, it is evident that the Applicant is the cousin of the informant and in the complaint a specific role is attributed against Applicant. It is evident from the complaint that Applicant was all the time actively participated in the alleged offence and gave threats to Applicant and got the document executed in relation to the immovable property of Applicant.

6. Moreover, there are witnesses to the alleged incident and there is also an independent witness i.e. the tenant of the informant, Jayshri Yeshwant Andhare. In the circumstances antecedents against the Applicant cannot be ignored, which are of similar nature.

7. In that view of the matter, since there is sufficient incriminating material available on record to prima facie connect the Applicant with the alleged offence, I am of the opinion that this is not a fit case to grant bail. Accordingly application is rejected.

8. Considering the period of incarceration of the Applicant, the Trial Court is directed to expedite the trial and further granted liberty to the Applicant to apply for grant of bail, if there is no progress in trial in next nine months.

9. Applicant is directed to submit copy of this order on the record of Trial Court within two weeks from the date of uploading of this order.

(ANIL S.KILOR, J.)

MST