



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

BAIL APPLICATION NO. 748 OF 2024

Manoj @ Bandu Ramdas Mule	...Applicant
Versus	
1. The State of Maharashtra	
2. Nitin Balasaheb Kadam	...Respondents

**WITH
INTERIM APPLICATION NO. 2445 OF 2024
IN
BAIL APPLICATION NO. 748 OF 2024**

Nitin Balasaheb Kadam	...Applicant/Intervener
<u>in the matter between</u>	
Manoj @ Bandu Ramdas Mule	... Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Amit Icham Advocate for Applicant.

Mr. Devidas Jadhav Advocate for Respondent No.2.

Mrs. Mahalaxmi Ganapathy, APP for Respondent-State.

CORAM	:	N. J. JAMADAR, J.
DATE	:	18th JULY 2024

PC.:

1. The applicant, who is arraigned in C.R. No. 173 of 2022 registered with Baramati Taluka Police Station, Pune (Rural) for offences punishable under Sections 364, 307, 327, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860 ("the Penal Code"), has preferred this application to enlarge him on

bail.

2. There was a dispute between the applicant and the first informant over the transfer of a Scorpio Jeep, which was sold and delivered by the first informant to the applicant. The applicant had allegedly committed default in payment of the entire price of the vehicle. Thereupon, the first informant had refused to sign the T.T. Form. The first informant lodged complaints with Tembhurni Police Station and District Superintendent, Solapur. Enraged applicant gave threats of dire consequences to the first informant.

3. The first informant alleged that, on 21st March 2023 while he was present at Force Gym at Baramati, two of the accused forcibly made him to board a Scorpio Jeep. He was abducted. The applicant along with accused No.6, Ratndeeep Pujari intercepted the Scorpio Jeep in which the applicant was being abducted, ahead of Bhigwan. The applicant and the co-accused made the first informant board Scorpio Jeep bearing No.MH-42-AX-9269, in respect of which there was a dispute. The first informant was taken to Karmala. The applicant allegedly assaulted the deceased by means of an iron rod and made him

sign on the T.T. Form. An attempt was made to strangle the first informant. The first informant lost consciousness. Thereupon, he was dumped on the road near Mhalshej Ghat, District Thane. After regaining consciousness, the first informant lodged the report.

4. Mr. Icham, the learned Counsel for the applicant, submitted that the relations between the applicant and the first informant were strained over the transactions pertaining to the Scorpio Jeep. The applicant was arrested on 8th October 2023. Investigation is complete. Charge-sheet has been lodged. The co-accused have been enlarged on regular and pre-arrest bail. Therefore, the applicant also deserves to be enlarged on bail.

5. Ms. Ganapathy, the learned APP, resisted the prayer for bail. It was submitted that the applicant was the principal offender. It was the applicant at whose instance the first informant was abducted. The applicant had assaulted and attempted to strangle the first informant and dumped him for dead. Therefore, the applicant does not deserve to be released on bail.

6. Attention of the Court was invited to NC Report dated 15th November 2011, lodged by the first informant against the

applicant. The discovery of an iron rod pursuant to disclosure statement made by the applicant was also pressed into service.

7. Mr.Jadhav, the learned Counsel for the respondent No.2/first informant also opposed the prayer for bail. It was submitted that even after lodging of the instant FIR, the applicant had threatened the first informant with dire consequences. Thus, there is a strong possibility of tampering with evidence and threatening the witnesses. Therefore, the applicant may not be released on bail.

8. I have carefully perused the material on record. Prima facie, the genesis of the alleged offences is in the dispute between the first informant and the applicant with regard to the sale of the Scorpio Jeep. The first informant alleged that the applicant had not paid the entire price of the said vehicle. If the tenor of the FIR is considered, it becomes abundantly clear that the alleged motive for abduction was to make the first informant execute the TT Form. Prima facie, the relations between the first informant and the applicant were strained bordering on enmity.

9. Two of the co-accused namely Ankush Jadhav and Datta Sapate were released on bail by this Court by orders dated 12th

December 2022 and 25th January 2023, respectively. Ranjeet Pujari, the other co-accused, was granted pre-arrest bail by this Court.

10. It is imperative to note that the first informant does not allege that the applicant was one of the initial abductors. The applicant allegedly joined the abductors ahead of Bhigwan along with Ratndeeep Pujari. In such a situation, whether the offence punishable under Section 364 of Indian Penal Code, 1860 can be said to have been made out, appears to be debatable and is a matter for adjudication at the trial.

11. In any event, the investigation is complete and the charge-sheet has been lodged. Further detention of the applicant as an under-trial prisoner seems wholly unwarranted. Apprehension on the part of the the Respondent No.2/first informant can be taken care of by imposing appropriate conditions. Hence, the following order:-

ORDER

- (i) The application stands allowed.
- (ii) The applicant be released on bail in connection with C.R. No. 173 of 2022 registered with Baramati Taluka Police Station, Pune

(Rural), on furnishing a P.R. Bond of Rs.30,000/- with one or more sureties in the like amount.

(iii) The applicant shall mark his presence at Baramati Taluka Police Station, Pune (Rural) on the first Monday of every month between 11 am to 1 pm for a period of three years or till conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

(v) The applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) The applicant shall not enter the limits of Tembhurni for a period of one year from the date of his release.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be

construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(ix) Application disposed.

(x) In view of disposal of BA/748/2024, Interim Application No. 2445 of 2024 does not survive and also stands disposed off.

(N. J. JAMADAR, J.)