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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 ANTICIPATORY BAIL APPLICATION NO. 68 OF 2025

Suraj Chandrakant Mare

VERSUS

The State Of Maharashtra And Another

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Mr. P.P. More, Advocate for Applicant

Mr. S.P. Sonpavale, APP for Respondents No.1 and 2

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CORAM : HITEN S. VENEGAVKAR, J.

DATE : 30 SEPTEMBER, 2025

PER COURT :-

1. The present application is filed under Section 438 of the Code of Criminal Procedure (Cr.PC.) by the applicant seeking pre-arrest bail in connection with C.R. No. 0050 of 2024 registered with Ambajogai City Police Station, District Beed for offences punishable under Section 323, 327, 341, 365, 342, 365, 504 and 507 read with Section 34 of Indian Penal Code (IPC). The applicant apprehends arrest in the said crime and has therefore approached this court with the present bail application.

2. The brief facts as revealed from the prosecution papers are that the first informant Smt. Bhagyeshri Anant Deshmukh, lodged a report on 10th February 2024, alleging that her husband Anant Deshmukh had entered into an agreement with 20 sugar factory, situated at Malwati, District Latur for harvesting and transportation of sugar canes. Pursuant

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to the said agreement, the husband of the informant had engaged a group of labourers for the work. It is the case of the informant that after receiving payment from her husband, the labourers had absconded. The husband therefore approached the factory authorities and initially had paid a sum of Rs. 4,00,000/- out of the total advance of 7,00,000/- received earlier from the factory.

3. The informant has further alleged that about 15 days prior to the incident, certain officials of the sugar factory, without any prior intimation either to her or her husband, took away their tractor and three small trolleys from their residence. Her husband feeling aggrieved visited the chairman and other officials of the factory and requested to return the said vehicles, assuring them that the remaining amount would be refunded in short time. According to the informant, during that visit, the factory officials abused and assaulted her husband and even threatened to kill him if he persisted in demanding return of the tractor and the trolleys. It is further alleged that due to fear for his life, her husband began collecting money to settle the dues. On 9th February, 2024, at around 8.00 p.m., while the informant and her husband were proceeding towards Ranjit Nagar on their motorcycle carrying Rs.2,00,000/- in cash, they were intercepted by certain officials of the sugar factory who assaulted her husband, forcibly took away Rs.

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2,00,000/- from his pocket and thereafter kidnapped him, confining him within the premises of the factory. The informant claims that her husband was wrongfully restrained and was released only after intervention by some acquaintances. Based on this incident, the aforementioned offence came to be registered against the present applicant and other factory officials.

4. The learned advocate for the applicant has submitted that the applicant has been falsely implicated in the offence at the instance of the informant and her husband, with the ulterior motive of evading repayment of the advance amount received by them from the factory. It is contended that the applicant is a permanent employee of the sugar factory and his duty pertains only to the maintenance of records relating to the harvesting and transportation. He has no concern whatsoever with the financial dealings or recovery of advances from the contractors. It is further submitted that there are no direct allegations showing his involvement in the alleged assault or kidnapping. The applicant is a permanent resident of Latur and is ready to cooperate with the investigation. Considering that the investigation is already complete and the charge-sheet has been filed, custodial interrogation according to the learned advocate is not required. It is also pointed out that one of the co-accused, namely Yogesh Deshmukh has already been

released on bail by the competent Court and hence on the principle of parity, the present applicant deserves similar protection.

5. Per contra, the learned APP strongly opposed the application, contending that the FIR discloses a series of incidents constituting grave offences. It is argued that there are four distinct incidences; firstly, the taking away of the informant's tractor and trolleys by factory personnel; secondly, the assault on her husband when he visited the factory to request the officials to return the vehicles; thirdly, the threats to kidnap and kill the husband; and fourth, snatching of Rs. 2,00,000/- followed by the kidnapping and wrongful confinement of the victim. The learned APP has further relied upon the statement of the victim himself, who has specifically attributed the role to the present applicant in connection with these events. He also referred to a mobile phone recording allegedly produced by the victim's brother, Digambar, wherein a conversation between him and the present applicant purportedly shows that the applicant had instructed one Avinash to take away the vehicles. According to the prosecution, the material on record particularly the statements of the informant, her husband, and his brother, along with the said recording sufficiently connect the present applicant to the offence. The learned app therefore submitted that the applicant's custodial interrogation is necessary for effective investigation.

6. I have carefully perused the investigation papers produced before me. It is not disputed that the investigation has now been completed and the charge-sheet has been filed. The statement of the informant was recorded by the learned judicial magistrate under section 164 of Cr.P.C. on 14th March 2024. However, the record reveals that soon thereafter, on 19th March 2024, she gave a supplementary statement making several corrections and modifications to her earlier statement. Such discrepancies certainly cast a shadow on the reliability of the version given by the informant. The so-called call recording panchamma prepared during investigation mentions the conversation between the applicant and the victim's brother, but even that transcript only refers to the incident of taking away the vehicles and does not mention any act or instruction by the applicant relating to the alleged kidnapping or assault. The statements of other witnesses appear to be hearsay in nature and there are no independent eyewitnesses which have actually seen the alleged assault or abduction. The medical certificates of the informant and her husband have also been perused. The certificates mention minor trauma to the chest and right knee but clearly notes that there were no visible external injuries or deformities. Such medical evidence therefore does not corroborate the allegations of the violent assault or as narrated in the FIR. Apart from the statements of the

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informant, the victim and his brother Digambar, there is no other material substantiating the allegation of kidnapping or wrongful confinement. In light of these circumstances, the evidentiary value of the prosecution material appears weak. It is well settled principle of law that once the investigation is completed and the charge-sheet is filed, custodial interrogation of the accused is rarely necessary unless there are exceptional circumstances. In the present case, no such exceptional circumstance has been shown by the prosecution. The applicant is a permanent employee of the sugar factory and a resident of Latur, there is no likelihood of his absconding. Moreover, the co-accused has already been released on bail considering the parity, the nature of allegations and the fact that the applicant's involvement appears limited and indirect. I am of the opinion that the applicant deserves the protection of anticipatory bail. At the same time, it is necessary to impose suitable conditions to ensure that he co-operates with the investigation and does not tamper with the evidence or influence the witnesses.

7. Hence, in view of the foregoing discussion and after carefully weighing the rival submissions, I find that the applicant has made out a case for grant of anticipatory bail. Accordingly, the following order is passed:

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ORDER

- (i) Anticipatory Bail Application No. 68 of 2025 is hereby allowed.
- (ii) In the event of arrest of the applicant Suraj Chandrakant More in connection with Crime No.0050 of 2024 registered with Ambajogai City Police Station, District Beed for offences punishable under Sections 323, 327, 341, 342, 365, 504 and 507 read with section 34 of IPC, he shall be released on bail upon his executing a personal bond of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station as and when required by the investigating officer and shall co-operate with the investigation.
- (iv) The applicant shall not tamper with the prosecution evidence or influence the witnesses in any manner.
- (v) In case of breach of any of these conditions, the prosecution shall be at liberty to move for cancellation of this bail.
- (vi) Application stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE