



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2213 OF 2024

Bibhishan S/o. Babasaheb Chaure,
Age : 30 years, Occu. : Delivery Boy,
R/o. Indiranagar, Pathri, Dist. Parbhani
At present Indira Nagar, Lane No.7,
Near K. K. Market, Pune,
Dist. Pune.

... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Pathri Police Station,
Tq. Pathri, Dist. Parbhani.

... Respondent

.....
Mr. Nilkanth R. Pawade, Advocate for Applicant
Mr. V. M. Jaware, APP for Respondent - State
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 JANUARY, 2025

PRONOUNCED ON : 14 JANUARY, 2025

ORDER :

1. This is a regular bail application as a result of arrest of applicant in Crime No. 528 of 2024 registered at Pathri Police Station, Tq. Pathri, Dist. Parbhani on 14.10.2024 for offence punishable under sections 140(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Learned counsel for applicant pointed out that, applicant is arrested in above crime on 15.10.2024. That, there

are allegations that informant's brother was abducted for ransom. However, according to learned counsel, there is no concrete evidence in that regard. That, in fact, there was some financial dispute. It is pointed out that, in the FIR main allegations are against one Rafiq. That, report carries reference to unknown persons. That, applicant is behind bars since October 2024. Nothing is to be recovered from him. That, there are no allegations of assault and use of force or issuing threats for ransom. That, applicant is mere delivery boy. That, applicant is ready to abide all conditions imposed by this court, relief of regular bail is prayed for.

3. Opposing the above application and pointing to the FIR, learned APP submitted that, applicant is specifically named informant's brother, namely Shivaji and was picked up and abducted due to some financial transactions. That, informant's brother had informed about he being taken by people of Karkhana and as such there being specific accusations and named of applicant, learned APP prays to reject the application as investigation is not yet completed.

4. Heard. Perused the FIR dated 13.10.2024 at the instance of Sanjay Baliram Todke. Informant reported that on 12.10.2024, his brother Shivaji and brother-in-law Vasant Shelke

had been to purchase a cot and at that time, Shivaji had received a phone call and without any informing he left the company of brother-in-law. It is further informed that, when informant established telephonic contact with Shivaji, he allegedly told that, owner of Karkhana had come and he has to give them cheques and for that purpose he had to come home. Around 4:00 p.m., when he called his brother, Shivaji told him to come near Shimla Hotel, where he is along with owner of Karkhana. According to informant, when he and his brother-in-law went there, Shivaji was not present at said hotel and was not traced. Around 11:00 p.m. of 12.10.2024, it is alleged that, Ranjit Wadmare had received phone call of friend of Shivaji informing that present applicant, due to financial transactions had asked present informant to come there. On 13.10.2024, informant received phone call conveying that Rs.4,00,000/- are due towards his brother, to pay the said amount and took away his brother and there were further threats that if police is informed, his brother would be dropped in Karnataka. Hence, the above report.

5. Thus, *prima facie*, it is emerging that name of present applicant is emerging in the FIR in the backdrop of some financial transactions and Shivaji said to be missing since 12.10.2024. Learned APP submitted that investigation is still incomplete.

Investigating machinery claims to have laid hands on agreement between present applicant and Shivaji pertaining to financial transaction is concerned. There are statements of very victim Shivaji and Hanuman about he being taken in vehicle to various places. Driver of the vehicle namely Hanuman gave statement that seeing police arrive, some of them fled and present applicant was arrested. Consequently, with such material, as charge-sheet is not said to be filed, this court is not inclined to grant relief at this stage.

6. The bail application stands rejected.

(ABHAY S. WAGHWASE, J.)