

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 487 OF 2025

Akash Vishwanath Wankhede

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Ms. Anima Mishra a/w. Mr. Anuj Singh, Mr. Amit Dondhe for the Applicant.

Mr. Amit A. Palkar , A.P.P. for the State.

CORAM : RAJESH S. PATIL, J.

DATE : 24th FEBRUARY, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 483 of the Code of Criminal Procedure, 1973 in connection with FIR No. 397 of 2024 dated 28th November, 2024 registered with Indira Nagar Police Station, Nashik for the offence punishable under Sections 140(2), 308(5), 3(5) and 127(3) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that there is some kind of

business deal between the informant and the accused nos. 1 and 2 whereas a sum of Rs.65 lacs involved. Rs.15 lacs was returned back and a sum of Rs.50 lacs was outstanding. Certain promises were made by the informant and in order to prepare the consent documents, the informant was called at the office address of the accused no.1, where they gave a threat to the informant and the specific role of the present applicant has been narrated. It has been stated that the accused nos. 1 and 2 for the purpose of recovery of the amount, have called the present informant. It is further stated that the present applicant hit the informant by belt and by wooden stick and the informant's mobile phone has been taken over by the present applicant. Thereafter the informant was in the custody of the accused persons including the present applicant who has threatened to kill the informant in case the monies are not returned back to the accused nos. 1 and 2. The informant was into the illegal custody for nine days, after being released by the accused, the informant has filed the FIR.

3. It has been submitted by the learned counsel for the applicant that out of eight accused, regular bail was granted by the Sessions Court to the accused no.1 and the anticipatory bail was granted to the

accused no.2 who is the son of the accused no.1 by the Co-ordinate Bench on 3rd February, 2025. The present applicant is accused no.3. The accused nos. 4, 5 and 6 are in custody of the police. They have now applied for the bail before the regular Court. As far as accused no.7 is concerned, the anticipatory bail application is pending before the Sessions Court and he has been granted interim protection. As regards accused no.8 is concerned, the anticipatory bail application has been allowed by the Sessions Court. It is submitted that it is the informant who has not paid the monies borrowed by him from the accused no.1 and he has falsely filed the present FIR against the accused person. The present applicant has no role to play in the FIR registered by the informant. There is delay nine days in filing the FIR. The applicant is ready to co-operate with the police. Hence, his custody is not necessary.

4. The learned A.P.P. submits that there are nine antecedents against the present applicant. He is a hard core criminal. In the FIR, his role has been specifically stated, hence granting bail to the present applicant will be a indirect threat to the witnesses in the present proceedings. The mobile phone of the informant which was snatched

by the present applicant and the vehicle of the present applicant which was used at the time of crime has not been recovered by the Investigating Officer. The same has to be recovered. Therefore, the custody of the present applicant is necessary.

5. I have heard both the sides and with their assistance, I have gone through the FIR and the documents on record. Out of the eight accused, atleast three, as of today are in the custody of the police, one accused has been granted regular bail by the Sessions Court.

6. It has been specifically stated in the complaint on the basis of which the FIR has been lodged that the present applicant has threatened the informant that he will kill him. The applicant has used the belt and stick to harm the informant. The accused no.1 has also threatened the informant that he has specifically called upon the present applicant in order to recover the money in whatever way from the informant.

7. According to me, if there were monies to be recovered from the informant by the accused no.1, the only method would be to file

recovery suit. It appears that without approaching any Civil Court, the accused person has chosen their own method of recovering the money from the informant. The point whether anything is payable by the informant to the accused no.1 would be always tested by the Civil Court. There are atleast nine antecedents against the present applicant who is accused no.3. It has been specifically stated that he had been called only for the purpose of recovery of the money owned by the accused no.1 from the informant. The mobile phone and the car has to recovered from the present applicant. The arrested accused nos. 4, 5 and 6 have named, the present applicant as persons who was in control of the entire incident.

8. As regards the anticipatory bail application passed by the Co-ordinate Bench of this Court, the said order is passed in the matter of accused no.2 who is in fact the son of the accused no.1 who probably is not involved into the day to day affairs of the father. Therefore, the facts in that matter is different from the facts in the present anticipatory bail application.

9. The present applicant is 22 years of age as per the Investigating

Officer. The applicant said that he will kill the informant. There is serious allegation of wrongful confinement and threat against the present applicant.

10. Hence, according to me, no case is made out for grant of anticipatory bail. **This anticipatory bail application is rejected.**

[RAJESH S. PATIL, J.]