

*E-filing*Order below Exh.01
Cri.Bail Appln. No.7701/2024

MHPU010205142024

**Sangramsing Rajput**
Vs.
State**Order below Exh.01**(Dated: 8th January, 2024)

Present application has been e-filed by applicant namely **Sangramsing Anilsing Rajput** under section 482 of The Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of anticipatory bail in connection with Crime No.579/2024 registered with Police Station Nigadi, Pune for the offences punishable under Sections 137(2), 140(2), 115(2), 352, 351(2) read with section 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Perused application and say of Investigating officer. Also perused copy of investigation papers and documents filed on record. Heard Ld. Advocate for the applicant and Ld. APP for the State.

3. It is contended by the Ld. Advocate for the applicant that the applicant has not committed any offence, however he has been falsely implicated by the informant. It is contended that, all the allegations regarding alleged kidnapping, demanding ransom, abusing, beating are vague, afterthought, imaginary, frivolous and bogus. It is further contended that, except section 137(2) and 140(2) of BNS all other sections are bailable and triable by Magistrate. It is contended that injured Faiyaz Sheikh is dealing in selling of vehicles. He had purchased car of applicant for Rs.4,25,000/- and accordingly had paid cash amount of Rs.25,000/- and had issued cheques for remaining amount, but said cheques returned unpaid. Therefore, applicant had issued notice to injured. It is contended that on

*E-filing*Order below Exh.01
Cri.Bail Appln. No.7701/2024

13/12/2024 applicant had called injured Faiyaz and requested him to pay the balance amount. The injured had asked the applicant to come at Bird Valley garden, therefore, applicant and his friend had went there. There also injured Faiyaz refused to pay the amount to applicant and started abusing and beating applicant and his friend and with intention to grab balance amount injured lodged false report against applicant through his friend.

4. It is contended that the applicant never committed any act as alleged by informant. There is no question of recovery or discovery at the hands of the applicant, therefore, custodial interrogation of applicant is not warranted. There is no criminal antecedent against the applicant. The applicant is only bread winner of his family. If he is arrested in false case, then his reputation in the society would be maligned and he will suffer irreparable loss. The applicant is ready to cooperate with the investigation and to abide by all the terms and conditions, if any, imposed by this Court while granting him anticipatory bail, therefore, it is prayed to allow the application.

5. The Ld. Advocate for applicant relied upon following authorities -

- i) Siddharam Satlingappa Mhetre Vs. State of Maharashtra & Ors., AIR 2011 Supreme Court, 312.
- ii) Hemant Dhirajlal Banker Vs. State of Maharashtra & Anr. 2023 ALL MR (Cri.) 2368
- iii) Mohammad Ilyash Bilal Kapadia Vs. State of Maharashtra in Bail Application No. 3622/2023 decided on 28/06/2024 by Hon'ble Bombay High Court.
- iv) Tushar Sanjay Mhaske and Ors. Vs. State of Maharashtra in Anticipatory Bail Application No.3095/2024 decided on 22/11/2024 by Hon'ble Bombay High Court.

E-filing

Order below Exh.01
Cri.Bail Appln. No.7701/2024

6. *Per contra*, I.O. and Ld.APP strongly opposed the application contending that the offences leveled against the applicant are of serious nature. The applicant and other co-accused are absconding after commission of crime. The vehicle used by applicant while committing crime is to be recovered from him. It is also contended that the belt used by applicant for assaulting the injured is to be recovered from him. The applicant and other co-accused are yet to be arrested. The investigation is going on. If the anticipatory bail is granted to the applicant, then he will remain absent during trial and also possibility of his fleeing away cannot be ruled out. The applicant shall also not assist in the investigation and thereby the investigation may hamper. Therefore, it is prayed to reject the application.

7. On perusal of copy of investigation papers, it appears that the name of applicant is mentioned in the FIR. There are specific allegations against the applicant and co-accused Tonpe. There is allegation that the injured Faiyaz was assaulted by applicant, Tonpe and their associates in respect of the previous money transaction between them. There is also allegation that they kidnapped the injured Faiyaz in one car. There is further allegation that the amount of Rs.3,50,000/- was demanded through one person namely Yogesh Gade. The applicant has not denied the previous transaction between him and injured Faiyaz. The applicant has also not denied his presence at the place of incident. From investigation papers the involvement of applicant in kidnapping of injured Faiyaz for money is apparent. The car and belt used in commission of crime are to be recovered and the same cannot be done without the custodial interrogation of applicant. Therefore, considering the serious allegations against the applicant, I am not inclined to exercise

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Cri.Bail Appln. No.7701/2024

discretion in favour of applicant to grant him anticipatory bail.

8. In case of Siddharam (supra) the Hon'ble Supreme Court observed that each case has to be decided on its own facts and circumstances. In case of Hemant (supra) the allegations in the FIR were that the accused had called the informant and had asked him not to demand any money from co-accused and that co-accused be given six months time for repayment. In case of Mohammad (supra) the accused had threatened the informant not to approach them for refund of his money. In cases of Hemant and Mohammed there were no element of offence of extortion under section 387 of the Indian Penal Code. In case of Tushar (supra) the accused had picked up the informant and had taken him in a vehicle asking for return of amount of Rs.1 Crore that was allegedly due from him and they had also stated that they would be satisfied with an amount of Rs.60 lakh and if the informant failed to pay said amount, his son would have to bring documents pertaining to property and vehicle. In that case there was no allegation of threat or assault. There was also no fear to informant of any grievous hurt etc. Therefore with due respect the cited authorities are not helpful for the applicant as the facts of cited cases are altogether different from the case in hand.

9. In view of the above discussion as the applicant has not made out the case for anticipatory bail, therefore, I proceed to pass following order -

Application for anticipatory bail (**Exh.01**) is hereby rejected.

Date : 08/01/2025.

(R.R. Mendhe)
Addl. Sessions Judge, Pune.

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Cri.Bail Appln. No.7701/2024**CERTIFICATE**

I affirm that the contents of this P.D.F file judgment are same word for word as per original order.

Name of Steno	: B.R.Jakka (Stenographer Grade-1)
Court Name	: Shri. R.R.Mendhe, Addl. Sessions Judge, Pune.
Date of order	: 08/01/2025.
Order uploaded on	: 09/01/2025.