

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4182 OF 2007

Amey Anil Gholap. .. Applicant.

vs.

State of Maharashtra. .. Respondent.

Mr. Sudhir C. Hali i/by Subhash P. Halyalkar
for Applicant.

Mr. S.N. Gawade APP., for the State.

CORAM: J.N. PATEL, J.

(VACATION COURT)

DATE: 28TH DECEMBER, 2007.

P.C.

. The applicant has moved this application seeking pre-arrest bail as he is required to be arrested by Vishrambag Police Station, Pune in Crime No. 428/07 for having committed offence under Section 363, 366, 307, 328, 323, 504, 506, 34 IPC.

2. It is the case of the prosecution that on 10.11.2007 between 12.00 hours to 13.30 hours near Ganraj Housing Society, Rajendra Nagar, Pune the applicant along with his associates consisting of two

boys and two girls abducted the victim who is an engineer and 24 years old in a car and administered poison to her and then made her wear Mangalsutra, toe rings and colour thread probably to indicate that they got married of which a photograph was obtained. It is also stated that after the applicant was released by the Court of Sessions on pre-arrest bail, he has gone to the house of the victim and threatened the victim and her sister with dire consequences by giving them abuses of which complaint was lodged at the police station. Therefore, according to the police, the applicant appears to be a person of dangerous character who will not hesitate even to commit murder and there is all likelihood that he may again threaten the complainant and witnesses. The application is also opposed on the ground that the applicant is threatening the victim on telephone and abusing her and has communicated with her through e-mail and also harassing the complainant at the place of her work. This, according to the police, indicates that the applicant has aptitude towards crime and whatever he has done is ruthless and if he is left on bail he is likely to pressurise the complainant and witnesses and if the applicant is ordered to be released on bail nobody would dare to give witness and reveal information about the incident and that the police wants to have his custody for collecting overwhelming evidence against him.

3. On going through the case diary, this Court is prima facie satisfied that the custody of the applicant is not required for the purpose of investigation. The applicant has already attended the police station while he was granted interim bail by the Court of Sessions. The applicant is working as a Team Leader in the Finance Department of IDBI Bank. On the other hand, it appears to be a love affair resulting in marriage which has not been approved and, therefore, the Court is inclined to pass the following order.

ORDER

4. In the event the applicant is arrested, he shall be released on bail on executing PR bond in the sum of Rs. 5000/- with one surety in the like amount. In lieu of surety, the applicant may deposit a sum of Rs. 5000/- in the Court of JMFC within whose jurisdiction Vishrambag Police Station falls. The applicant shall attend the Vishrambag Police Station as and when required for the purpose of investigation for which the I.O. shall inform him by notice under Section 160 of the Cr.P.C. and preferably the applicant would be summoned after office hours. The Investigating Officer would make a note in the case diary the period for which the applicant was called at the police station and required to wait and the purpose for which he was interrogated.

5. The applicant stands disposed of accordingly.

(J.N. Patel, J.)