

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.589 OF 2015
(For Anticipatory Bail)**

Kailash Sudam Chikale .Applicant

V/s.

The State of Maharashtra .Respondent

Mr.A.M.S.Solkar, Advocate, for the Applicant
Mr.S.H.Yadav, APP, for the Respondent - State

CORAM : REVATI MOHITE DERE, J.

DATE : 24TH APRIL, 2015

P.C.

. Heard the learned counsel for the applicant and the learned APP for the respondent – State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.371 of 2014 registered with the L T Marg Police Station, Mumbai, for the alleged offences punishable under Sections 364A, 387 r/w.34 of the Indian Penal Code.

3. The complainant is Pobir Maji, a

businessman. It appears the complainant's Gold was stuck in the market and that money was due from various persons. For recovery of the said Gold, he had spoken to the certain traders and friends. It is alleged by the complainant, that on 11.12.2014, Tapan Khara called him and asked him to send his brother, Prabodh to Adarsh Hotel to meet one Mamu. Accordingly, Prabodh is alleged to have met Mamu at the Adarsh Hotel. It is alleged that Mamu and his associates demanded Rs.3,00,000/- for recovery of the Gold which was turned down by the complainant, as he did not want to recover the gold/amounts by this method. Thereafter, again Mamu is alleged to have called the informant, pursuant to which the complainant's brother, Prabodh went to meet Mamu. According to the prosecution, Mamu along with other co-accused including the applicant abducted Prabodh in a car and threatened him with dire consequences. After abducting Prabodh, a ransom of Rs.5,00,000/- was demanded from the

complainant and threats were given to kill him, if the amount was not paid. A trap was laid by the police, pursuant to the information received from the complainant and two persons who had come to collect the ransom were arrested on the spot. In the meantime, Prabodh was found at the Trombay Police Station. It is alleged that the applicant was present in the car, at the time of the incident and that calls were made from Prabodh's phone to the complainant.

4. The learned counsel for the applicant contended that the applicant had not assaulted Prabodh nor has any overt act been attributed to him.

5. The learned APP opposed the Anticipatory Bail Application. He submitted that the statement of Prabodh reveals that the applicant was present in the car, when he was abducted and threatened with dire consequences

and when ransom was demanded. Prabodh has specifically spelt out the name of the applicant in the said statement. It appears that the applicant was present in the vehicle in which Prabhod was abducted and threatened with dire consequences and when ransom was demanded.

6. Considering the nature of allegations, this is not a fit case to enlarge the applicant on pre-arrest bail. The application is rejected. If an application for regular bail is preferred, the same shall be decided on its own merits, in accordance with law, uninfluenced by the observations made in this order which are prima facie for deciding the present application.

7. The Anticipatory Bail Application is rejected and accordingly disposed of.

(REVATI MOHITE DERE, J.)