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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1494 OF 2015

Bhavar Singh Jujar Singh Rajput

..Applicant.

Vs.

The State of Maharashtra

..Respondents

Mr. A.H. Ponda, Senior Advocate i/b Shyam Kalyankar for Applicant.

Ms. M.H. Mhatre, APP for State.

Mr. A.V. Pathan, P.I. Nagpada Police station present.

CORAM: A.S. GADKARI, J.

DATE : 17th November 2015.

P.C.

1 This is an application for pre arrest bail in CR No.254 of 2015 registered with Nagpada Police station for the offences under Sections 452, 392, 364-A, 341 read with Section 34 of the Indian Penal Code.

2 The criminal law is set into motion by the complainant-Bharat Kumaar Purohit by lodging the first information report dated 14.6.2015 therein alleging that the present applicant alongwith other persons abducted the victim Narpat on 14.6.2015 at 3.45 a.m. The said victim Narpat Purohit was abducted from Nagpada, Mumbai by a car by the applicant alongwith other co-accused persons.

3 Mr. Ponda, the learned Senior Counsel for the applicant submits that the village of the applicant and the victim Narpat is nearby and as a matter of fact the applicant along with victim had gone to his native place for collecting the money which the victim owes to the applicant. He further submitted that after taking into consideration the said aspect of the matter, this Court by its order dated 9th October 2015 directed the Investigating Agency to verify the CRD record of mobile phone of applicant and the victim Narpat and the applicant was protected by granting ad-interim relief.

4 I have perused the papers pertaining to the investigation. The Investigating Officer has recorded the statement of the victim Narpat Purohit. In his statement the said victim stated that the applicant is in illegal business of hawala transaction and he used to collect money from the traders of City Centre Mall and give to a person by name Mustaq who used to reside at Dadar. Three months prior to 16.6.2015 the applicant had given a cash of rupees one crore twelve lacs to Narpat for giving it to Mustaq. He has stated that he deposited the said amount with Mustaq. However, the said Mustaq disappeared and subsequently was not traceable. Therefore the applicant was threatening the victim for payment of the said

amount. He has further stated that on 14.6.2015 at about 3.30 a.m. the applicant alongwith other co-accused persons came from Maruti D' zire car having white colour and at the point of gun abducted him. He has further stated that he was being beaten upto Surat by the inmates of the car. It has been further stated that during the transit at a village the applicant received a phone call by the police inspector. At that relevant time the applicant threatened the him/victim to tell lie to the said police officer by saying that he was at his own will was going to his native place. The victim has further stated that subsequently the applicant released him from custody near his village.

5 Taking into consideration the statement of victim Narpat, it appears to me that the present offence is of serious nature and needs to be investigated thoroughly. The custodial interrogation of the applicant is very much necessary, as it is specifically and categorically alleged that a fire arm has been used in the present crime for abducting the victim for ransom. The co-accused and the fire arm used in the crime can not be traced out by the police without there being through – custodial interrogation of the applicant. The applicant has prima facie played a pivotal role in the entire crime. Hence, I am not inclined to grant pre-arrest bail to the applicant.

6 The application is accordingly dismissed.

7 At this stage Mr. Ponda, the learned Counsel for the applicant submits that the applicant was being protected initially by the ad-interim order the Sessions Court and subsequently by this Court from 5th September 2015 till today. He submits that the aforesaid order may be stayed for a period of two weeks to enable him to approach the Apex Court. The learned APP vehemently opposed the said prayer. Taking into consideration the serious nature of the offence and the allegation against the applicant, the prayer for stay of the order is hereby rejected.

(A.S. GADKARI,J.)