

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2535 OF 2014

Ramdas @ Waghya Nanasaheb Marne

.....Applicant

V/s

The State of Maharashtra

....Respondent

Mr. S. V. Kotval i/b Mr. Avinash Kamkhedkar for the Applicant
Ms. Vira Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 19, 2015

PC. :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 12/09/2014 in crime no. 137 of 2013 registered at Paud Police Station, Pune for offence punishable under sections 364 (A), 363, 384, 364, 506, 143, 147, 148 & 149 of Indian Penal Code and section 3 r/w section 25 of Indian Arms Act. It prima facie appears that applicant was transferred in crime no. 137 of 2013 from crime no. 140 of 2013. Investigation is completed and charge-sheet is filed.

2) It is the case of prosecution that on 20/09/2013, at about 10.00 am to 12.25 pm, some unknown persons had threatened the complainant of dire consequences and had allegedly extorted the complainant of Rs. 7,00,000/-. Complainant was abducted, they had taken away Rs. 7,00,000/- from the complainant and had made him to alight from the Mahindra Jeep near Panshet. Thereafter, complainant lodged a report at Paud Police Station against those unknown persons. In the course of investigation, witness had identified only one of the accused i.e. Nanya Kayrikar. Present applicant was not subjected to test identification parade.

3) In the course of investigation, investigating officer had recorded the statement of one Moreshwar Ghare on 02/10/2013. At the relevant time, he was driving the jeep of the complainant. He has disclosed that just before the incident, he had seen applicant in a silver colour Hyundai Car. He had also seen that a jeep was halted at Hinjewadi Square and that the present applicant, after seeing the complainant's car coming to the scene of offence, had given a

ism

direction to the other accused to proceed further. Besides this, there is no other incriminating material against present applicant.

4) Learned APP submits that applicant has criminal antecedents and therefore, does not deserve bail in the present crime. As against this, learned counsel for the applicant submits that applicant has been acquitted in a case under section 302 of Indian Penal Code. The MCOC Court has also granted him bail as only one charge-sheet was filed against him at that relevant time. The MCOC Court had also observed that there is no cogent and concrete material to refuse bail tot the present applicant.

5) Be that as it may, as far as present case is concerned, there is hardly any material, at this stage to hold present applicant to have hatched the plot or was a conspirator in the act of extortion or abduction. Applicant has made out prima facie case for grant of bail. Observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at

ism

the time of trial, since they are restricted to consider an application under section 439 of Code of Criminal Procedure, 1973.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) Applicant shall report to the concerned police station on first Sunday of each month, till the conclusion of trial.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)