

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.708 OF 2016

Rakesh s/o Babasaheb Deshmukh,
Age 25 years, Occu. Labour,
R/o Deshmukh Galli, Near Town Hall,
Chalisgaon, Taluka Chalisgaon,
District Jalgaon

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr Satej S. Jadhav, Advocate for applicant
Mr S.P. Deshmukh, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd March 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.70 of 2015, registered at Chalisgaon Police Station, District Jalgaon, for the offences punishable under Section 364-A read with Sec.34 of Indian Penal Code and under Sections 3 and 25 of the Indian Arms Act.

3. The prosecution story against the present applicant is, on 21st March 2015, complainant Wagharam lodged a complaint that his worker namely Pratap Chaudhari was kidnapped by the present applicant with the help of the co-accused namely Devidas. The role attributed to the applicant in the F.I.R. is that the applicant drove the motorcycle, whereas the other accused namely Devidas used a country made pistol so as to issue threats to said Pratap.

4. The applicant thereafter took said Pratap at an isolated place

and from there, the accused threatened the victim Pratap to contact the complainant on phone and demand ransom.

5. It is pursuant to above referred demand, the complainant lodged report with the Police, who have abducted the accused from the spot.

6. The applicant was arrested from the spot on the date of incident and after completing investigation, the charge-sheet in the matter is filed.

7. In the above referred background, while seeking regular bail, learned Counsel for the applicant submits that the investigation in the matter is already completed and charge-sheet is filed. He would then urge that there are no criminal antecedents and as such, further detention of the applicant is not necessary, as the applicant is very much available for the purpose of trial. According to him, looking to the role attributed to the applicant in commission of crime in question, as compared to that of accused Devidas Chandanshiv, the seriousness of the offence qua the present applicant, is required to be appreciated.

8. Learned A.P.P. opposed the application on the ground that applicant was apprehended from the spot of the incident and there are eye witnesses to the incident, who have narrated about the participation of the applicant in commission of crime in question. He has taken me through the statements of two witnesses so as to oppose the bail.

9. Having bestowed my thoughts to the submissions made, it is required to be noted that the applicant was arrested almost about an year back in crime in question in which after completion of investigation, charge-sheet in the matter is already filed. It is also required to be noted that the role attributed to the present applicant is of driving the motorcycle. Apart from above, there are no specific or any serious attributions against him. The fact as regards absence of any criminal antecedents is not in dispute.

10. In above background, in my opinion, it will be appropriate to order release of the applicant.

11. As such, Criminal Application stands allowed. The applicant be released on bail in Crime No.70 of 2015, registered at Chalisgaon Police Station, District Jalgaon, for the offences punishable under Section 364-A read with Sec.34 of Indian Penal Code and under Sections 3 and 25 of the Indian Arms Act, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(N.W. SAMBRE, J.)

vvr