

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO.1326 OF 2016**

Vishnu s/o. Subhash Mhaskar ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.V.D.Sapkal, advocate for applicant

Mr.U.S.Mote, APP for respondent - State

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**CORAM : M.T. JOSHI, J.**

**DATE : MARCH 16, 2016**

**PER COURT :**

Heard.

2] The applicant, who is arrested in connection with Crime No.124 of 2015 registered with Ghansawangi Police Station, Dist.Jalna for the offences punishable under Section 307, 353, 332 read 34 of Indian Penal Code and Section 3, 5, 25 and 27 of the Arms Act, is praying for his release on bail.

3] The prosecution case, in short, is as under :-

. That, Ehtesham, a seventeen years old child, was abducted by principal accused – Gajanan. As number of phone calls were made to the brother of the abducted child by principal accused – Gajanan, the tower location of said Gajanan could be located by the police. In the circumstances, complainant – Bhagirath Deshmukh, Police Inspector, Taluka Jalna Police Station, started making search of said principal accused – Gajanan, so also to recover the abducted child. He also sent police staff at various places on 29<sup>th</sup> September, 2015, as the principal accused Gajanan told the brother of the abducted child that he would be coming for collection of ransom on 29<sup>th</sup> September, 2015. On the same day, a trap was also led.

4] On that day, at about 4:00 am. in the morning, the principal accused – Gajanan and other accused took the abducted child in a car. The said car came from the opposite side of the police party. Immediately, the said car was stopped. Therefrom, by force, the abducted child was taken into possession by the police.

5] Present applicant is alleged to be driver of the said car in which the accused persons came. The occupants of the car resisted for taking the child away. In the incident, principal accused – Gajanan fired one round from his revolver, which hit the brother of the abducted child. In the incident, due to manhandling, Police Inspector – Kulkarni also fell on the ground. As there were people going for morning walk and as Police Inspector – Kulkarni fell on the ground, counter fire could not be made towards the accused persons.

. In the circumstances, Police Inspector – Bhagirath Deshmukh filed the complaint.

6] Learned counsel for the applicant submits that allegedly the applicant was merely driver of the vehicle and firing was made by the principal accused.

7] Taking into consideration all the facts on record, which would *prima facie* show that present applicant has deliberately joined in carrying the abducted child as, allegedly, the phone calls regarding ransom were made from the car and that he was knowing fully well that the principal accused was having a revolver, by which, in the incident, injury was caused to the brother of the abducted person; and one Police Officer was also manhandled in the incident and ultimately, fell on the ground, in my view, this is not a fit case for releasing the present applicant on bail.

8] In the circumstances, present application is rejected.

**[M.T. JOSHI, J.]**

kbp