

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

CRIMINAL APPLICATION NO. 2225 OF 2016

Mausam alias Pappu s/o. Islam alias Kallu.. Applicant
Age. 25 years, Occ. Labourer,
R/o. Village Levada, Tal. Kama,
Dist. Bharatpur (Rajasthan State)

Versus

The State of Maharashtra .. Respondent

Mr.R.S. Deshmukh, Advocate for the applicant.
Mr.S.D. Ghayal, A.P.P. for respondent/State.

CORAM : A.M. BADAR,J.
DATED : 14.10.2016

P.C. :-

1. The applicant/accused in Crime No.77 of 2015 registered with Pimpaldari Police Station, Dist. Parbhani, for the offences punishable under sections 364(A), 365, 385, 342 of the Indian Penal Code, by this application is seeking his release on bail, after filing of charge-sheet.

2. Heard learned Counsel for the applicant/accused. By drawing my attention to three remand applications, learned Counsel for the applicant argued that, in-fact, the present applicant had helped police to trace-out the victims of the crime in question. They are released by

the help of the present applicant. By drawing my attention to documents annexed to the application, learned Counsel further argued that the applicant has identity in the society and he is permanent resident of his native place Levada in Bharatpur district of Rajasthan. My attention is also drawn to the identity card issued by the Election Commission of India to submit that there is no possibility of absconding the applicant in the event of his release on bail. By relying on reply affidavit of police, it is sought to be argued that the police is not trying to arrest co-accused though they are available and causing illegal detention of the present applicant.

3. Learned A.P.P. by reading statement of Sachin Puri argued that the crime in question is serious and both victims were abducted by accused persons.

4. I have considered the rival submissions and perused the charge-sheet. It is seen that one of the alleged victims of the crime in question, namely, Arjun had been to his village Selmoha on the occasion of Diwali on 13.11.2015. He left the house for attending his job at Pune on 15.11.2015 and on 17.11.2015 he is alleged to have made a telephonic contact with the informant Shrikant Munhe, his brother, to inform him that he as

well as his friend Sachin are abducted by accused persons for demand of ransom of Rs.1 lakh. This has resulted in registration of F.I.R. on the information of Shrikant Munhe on 18.11.2015. During the course of investigation, the police traced out Arjun Munde and Sachin Puri, who were allegedly abducted by the accused persons including the present applicant.

5. Perusal of statement of Arjun Munde shows that he and his friend Sachin Puri were present at Selmoha for celebrating Diwali in November, 2015. Arjun, in his statement, disclosed that his friend Sachin told him that there are better prospectus at Delhi and they should go to Delhi as friend of Sachin is calling them to Delhi.

6. The statement of Sachin Puri shows that during the course of his work as JCB driver, he became acquainted with co-accused Mustafa and present applicant Mausam, who were also working on JCB machine. Sachin disclosed that at Selmoha, he received telephonic call from co-accused Mustafa for calling him and Arjun to Delhi.

7. Statement of Arjun and Sachin show that they both went to Delhi by Sachkhand express on 15.11.2015. They reached Delhi on 17.11.2015. There they met

Mustafa. Sachin Puri disclosed that then Mustafa took them to village Navli, where three more persons including present applicant came. Then they both were detained in a house. As per version of Sachin, accused persons then took their mobile phones, money purses and ATM cards. Then they compelled Sachin and Arjun to contact their relatives and ask them to deposit Rs.50,000/- each in their bank accounts. As per version of Sachin, his father then deposited an amount of Rs.50,000/- in his account maintained with the State Bank of India on 18.11.2015. That amount was withdrawn by co-accused Mustafa and Arshad.

8. In similar line Arjun has also disclosed that Mustafa had taken them to a village where three persons came on motor-cycle and detained them in a room. Arjun had also disclosed that those persons informed his relatives to deposit an amount of Rs.50,000/- each in their account. As per version of Arjun, his brother has deposited an amount of Rs.10,000/- in his account with Uco Bank and that amount was withdrawn and appropriated by Arshad, Mausam, Mustafa and Sahun Khan. Both these abducted persons disclosed that the present applicants were guarding them when they were detained in a room. Statements of Govind Puri and Balaji Munde show that they in-fact deposited amount in the bank account of Arjun and

Sachin. This material collected by the investigator, prima faice, shows that Arjun and Sachin were abducted and were detained for demanding ransom. The offence punishable under section 364A entails punishment of life imprisonment or death. Prima facie, complicity of applicant in the crime is established. As the offence alleged is punishable either with death or life imprisonment, no case is made out for bail. The application is rejected.

9. Considering the fact that the case involves recording of evidence of only few witnesses and volume of evidence may be short, it is expected that the learned Sessions Judge, on whose file the trial is pending, may dispose of the Sessions Case within a period of eight months from the date of communication of this order.

[A.M. BADAR, J.]