

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.48 OF 2016

Vaibhav Machhindra Mhaske

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. V.B. Shivarkar for the Applicant.

Mr. Arfan Sait, APP for the Respondent -State.

Mr. R.N. Gat, PSI, Shivajinagar Police Station, Pune, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 13th JANUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant in apprehension of his arrest in C.R. No.74 of 2014 registered at Shivajinagar, District-Pune, for the offences punishable under sections 363, 364, 387, 364 A, 395 and 120 B of the IPC.

2. Case of the prosecution in brief is that the Applicant alongwith the other co-accused had hatched a criminal conspiracy and accordingly on 26.4.2014 had abducted Lalit Laxman Tayde, Satish Parmar and Nilesh Deshmukh. The Applicant and the other co-accused are also alleged to have demanded ransom for release of the abducted

persons and further assaulted them and committed theft of their valuables.

3. Mr. Shivarkar, the learned counsel for the Applicant has submitted that the name of the Applicant does not figure in the FIR and the other statement recorded by the Investigating Officer. He has further submitted that there is absolutely no material on record to show the involvement of the Applicant in committing the crime and that the Investigating Officer has been threatening to arrest the Applicant without there being any material on record to show the involvement of the Applicant in the said crime.

4. Mr. Arfan Sait, the learned APP for Respondent-State has submitted that the Applicant has been absconding since the date of the registration of the crime. He has further stated that the statement of the co-accused prima facie reveal the involvement of the Applicant in the said crime. He has further submitted that the Applicant is resident of Ahmednagar and there is possibility of the Applicant absconding and not being available for interrogation and for trial and interfering with the investigation. He has submitted that the presence of the Applicant is required for conducting ID parade.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent-State. The FIR dated 27.4.2014 lodged by Mrs. Alia Tayade, who is the wife of one of the abducted persons, prima facie reveals that on 26.4.2014 her husband had left the house and told her that he was proceeding to Pune to attend a meeting and that he had not returned home and was also not receiving her calls. She had stated that on 27.4.2014 she managed to contact her husband on his cell phone and her husband Lalit Tayde had informed her that he has been abducted by some persons and they are demanding Rs.40,00,000/- from him and were threatening to kill him. She has further stated that said persons involved in the crime had also told her on the phone to arrange for Rs.40 lakhs by selling their house, car, property, etc. and threatened to kill her husband, if she failed to pay the said ransom. She had therefore, lodged the FIR against the unknown persons for abducting her husband.

6. I have perused the statements of said Lalit Tayde, Satish Parmar and Nilesh Deshmukh, who were allegedly abducted by the Applicant and the other co-accused. These witnesses have not made any reference of the Applicant herein. The statements of the victims do

not prima facie indicate that the Applicant was involved in abducting him and or committing any other crime.

7. The learned APP has drawn my attention to the statement of one of the accused recorded by the Investigating Officer. Without going into the question of admissibility of said statement, it would be suffice to say that said co-accused had also not attributed any specific role to the Applicant herein. Said statement merely indicates that the Applicant herein was present in one Samadhan hotel. There is no other material on record to priam facie show the involvement of the Applicant in committing the said crime. The records also do not show that the investigating agency had made any serious attempt to arrest the Applicant herein and that the submission that the Applicant was absconding since the date of registration of the offence is also without any merits. Furthermore, the Applicant cannot be declined bail on the vague apprehension that he is likely to abscond or that he is likely to interfere with the investigation.

8. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:

(i) In the event of arrest of the Applicant in C.R. No.74 of

2014 registered at Shivajinagar police station, District-Pune, the Applicant shall be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand only) with one or two sureties to the like amount to the satisfaction of the Investigating Officer, Shivajinagar Police Station, Pune.

- (ii) The Applicant shall report to the Investigating Officer for a period of seven days from 10.00 a.m. to 1.00 p.m. from the date of receipt of the order and further as and when required by the investigating Officer for the purpose of interrogation and investigation.
- (iii) The Applicant shall not interfere with the complainant or any of the witnesses and shall not tamper with the evidence in any manner.
- (iv) The Applicant shall furnish his permanent as well as temporary address to the Investigating Officer and the Investigating Officer shall verify the authenticity of the said address before releasing the Applicant on bail.

(ANUJA PRABHUDESSAI, J.)