

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.171 OF 2015

Mr. Manishprasad Narsingh Gaud. ..Applicant.

vs.

The State of Maharashtra. ..Respondent.

Mr. Niranjan Munderggi with Rishi Bhuta for the Applicant.

Smt. S.S.Kaushik, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 06th January, 2016

P.C.

This is an application for bail in CR No.210/2012 registered with Kandivali Police Station, Mumbai under Section- 363, 364(A), 302, 201 read with 34 of the I.P.C.

2) It is the prosecution case that Master Sagar aged about 5 years was the son of the complainant Shivchand Sharma. The said child was went missing on 26.8.2012. Initially, the first information report dated 28.8.2012 was lodged by the complainant under Section 363 of the I.P.C. That, on 28.8.2012, the complainant received a phone call from Cell No.9172060843 and informed him that his son was in the custody of the person who gave the call and demanded a ransom of Rs.50,000/-. Subsequently, the complainant started receiving phone calls intermittently from the same number. The police thereafter tried to locate the user of the phone number when it was found that the sim-card of the aforesaid number was owned by witness Sandip Mandal a resident of Kalbadevi, Mumbai. The holder of the said card informed the police that the said sim-card was taken in his name by Shri. Barun Adak and was being used by Shri. Gunodar Adak. Shri.Gunodhar Adak has stated that on 28.8.2012 he noticed that said sim-card was misplaced at his hands, however, he did

not inform the said fact to Barun Adak or Sandip Mandal. The police thereafter kept under observation the handset from which the same sim-card was being used and traced out the applicant as the user of the said sim-card and apprehended him on 31.8.2012.

3) During the course of investigation, it was revealed that the applicant along with other two co-accused had abducted Master Sagar and thereafter committed his murder on or about 28.8.2012. After completion of the investigation the police have filed charge sheet.

4) Heard the learned counsel appearing for the applicant and the learned APP. and perused the entire charge sheet.

The record discloses that the sim-card bearing no.9172060843 was being used in a handset having IMEI Nos.358284040964030 and 359034048370220. The police while apprehending the applicant have seized the said hand set having the aforesaid stated two IMEI numbers. Another most important circumstance available against the applicant is that, after the arrest of the applicant, the place where the dead body of Master Sagar was thrown/concealed, was discovered at the instance of the applicant by effecting a panchanama dated 31.8.2012. The medical record annexed to the charge sheet further discloses that the approximate time of death of Master Sagar was 28.8.2012. The learned APP. has on instructions expressed the apprehension that, if the applicant is released on bail, there is every possibility that he may flee from the ends of justice and will not be available for trial. After taking into consideration the evidence available against the applicant showing his complicity in heinous crime and the fact that after release of the applicant on bail he will not be available for trial, I am of the opinion that this is not a fit case to release the applicant on bail.

The application is accordingly dismissed.

(A.S. GADKARI, J.)