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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.312 OF 2016

Yunus Malik Sayyed	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Satyavrat Joshi, for the Applicant.
Mrs. R.M. Gadhvi, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 22nd JUNE, 2016.

P.C. :

1. The applicant/accused, in Crime No.109 of 2015, for the offence punishable under Sections 302, 201, 363, 364, 368, 504, 506, 143, 148, 149 120(B) of the Indian Penal Code, registered with Ranjangaon Police Station, District: Pune, by this application, is praying for releasing him on bail.
2. Heard the learned counsel for applicant. He argued that the evidence against the present applicant is comprising of seizure of Innova car belonging to him as well as statement of Akshay Kotkar -Hotel owner. He argued that neither the applicant is named in the F.I.R. nor by witness Akshay Kotkar. By pointing out F.I.R., it was argued that deceased was

indebted to several persons and on earlier occasion he was abducted.

3. The learned APP opposed the application by arguing that applicant alongwith other accused persons conspired to abduct the deceased and then killed him. Thereafter his dead body was thrown in the river.

4. Perused the charge-sheet. The material collected by Investigator shows that accused Sunil, Ananda, Mangesh, Ajay and Sushil had abducted the deceased Babu @ Keshav Bansode from Hotel Lawasa- Pune -Nagar road. According to prosecution case, deceased Babu Bansode was not refunding the amount due to Babu Lakade the brother of accused Sunil Lakade. After kidnapping Babu Bansode was killed by strangulating him and thereafter his dead body was thrown in the river bed.

5. According to prosecution case, deceased Babu @ Keshav alongwith present applicant and others including the informant were travelling from Aurangabad to Pune. On the way Babu @ Keshav was abducted. During the course of Investigation, Investigating Officer has seized the mobiles phones of accused Sunil Lakade as well as that of present applicant. It was found that on the date of incident, there were 11 calls between both these accused persons. On the day earlier to the incident, according to learned APP there were four calls and on 16.7.2015

i.e. day after abduction of Keshav @ Bapu, three calls were there between accused Sunil and present applicant Yunus. Direct evidence is hardly available in the matter of criminal conspiracy. Considering the evidence against present applicant and the offence alleged against him, no case for bail is made out. Application is rejected.

[A. M. BADAR, J.]