

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.772 OF 2015

Syed Abid Husain @ Ali Bhai	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Priyal Sarda, Adv. i/b. Anup Lahoti, Adv. for the applicant.
Mrs. G.P. Mulekar, APP for the State.
Mr. V.K. Palande, PSI, Crime Branch, U.4, Pune City present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 5th February, 2016.

P.C. :

1. At the outset Mr. Sarda, the learned counsel for the applicant seeks leave to amend the prayer clause 'a' where the case number is wrongly stated as 1 of 2016 instead of 1 of 2006.
2. Leave granted. Amendments to be carried out forthwith.
3. This is an application for bail filed by the aforesaid applicant who is facing trial in MCOC Case No.1 of 2006 arising from Crime No.267 of 2005 registered with Pimpri Police Station for offences punishable under Sections 201, 302, 364(A), 387, 403 and 511 r/w. 120-B of the IPC and Section 4(25) of the Arms Act, 1967

and Section (1) (i) (ii), 3(2) and 3(4) of the MCOC Act, 1999.

4. The case of the prosecution in brief is that the applicant and the other co-accused had entered into a criminal conspiracy to abduct Sagar Sahani, the son of Satinder Sahani. Accordingly the applicant abducted said Sagar Sahani and the other co-accused demanded ransom amount of Rs.2 Crores for his release. It is alleged that the applicant and the other co-accused had subsequently committed murder of said Sagar. The aforesaid crime came to be registered pursuant to the FIR lodged by Satinder Sahani, the father of the deceased Sagar. The applicant was arrested on 29th June, 2007. The crime was investigated and chargesheet was filed and the case being sessions triable was committed to Special Court, Pune. The applicant had filed application for bail which came to be rejected vide order dated 4th February, 2015. Hence the present application.

5. Heard Mr. Sarda, the learned counsel for the applicant and Mrs. Mulekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The FIR as well as the statement of the witnesses prima facie indicate that Sagar Sahani boy of 21 years of age was abducted and an amount of ransom of Rs.2 Crores

was demanded for release of said Sagar. An amount of Rs.15 lacs was paid to one of the co-accused. Subsequently said Sagar was found murdered. The FIR was lodged against unknown persons. Subsequently some of the accused were arrested and one of the co-accused had given confessional statement implicating the present applicant. The applicant was arrested and his confessional statement was also recorded. A perusal of which prima facie shows the involvement of the applicant in committing said crime.

6. The records prima facie reveal that the complainant had received a call on his cell phone demanding ransom of Rs.2 crores to release his son. The records further reveal that said call was made from the cell phone of the deceased. The records further reveal that the conversation between the caller and the complainant was recorded. After the arrest of the applicant his voice sample was taken. Voice sample as well as recorded conversation were sent to Central Forensic Science Laboratory (CFSL), Chandigarh and the report indicates that the voice sample of the applicant accused tallies with the recorded conversation. The material on record prima facie reveals the involvement of the applicant in committing the offence which is not only grave but is of heinous nature. The gravity of the offence

itself does not justify grant of bail.

7. In the facts and circumstances and in view of the discussion supra, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)