

Anand

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

BAIL APPLICATION NO.1074 OF 2016

Siddhesh Sudhakar More alias Anna .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.P.K.Singhal, Advocate, for the Applicant
Mr.H.J.Dedhiya, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 29.06.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.601 of 2015 registered with the Khar Police Station, Mumbai, for the alleged offences punishable under Sections 365, 387 r/w.34 of the Indian Penal Code r/w.3, 7, 25, 27 of the Arms Act and under Section 37(1)(a) r/w.135 of the Bombay Police Act.

3. The Complainant is Hitesh Bhaktani. According to the Complainant, his employee Bhagwan Nandwani was kidnapped by unknown persons on 24.11.2015. It is alleged by the Complainant that he received calls demanding Rs.75,00,000/-, as extortion money and that if he failed to pay the said amount, Bhagwan Nandwani would be eliminated. He has stated that the person, who called had disclosed that they belonged to the Ravi Pujari gang. Pursuant to the said threat and demand, the Complainant is stated to have spoken to his brother Girish Bhaktani, pursuant to which the aforesaid complaint was lodged with the Khar Police Station, Mumbai as against Raghu Shetty, Rehan, Raju & others. In the said complaint/FIR, the Complainant has alleged that even prior to the aforesaid incident of 24.11.2015; there were two incidents of extortion; one in April, 2014 where an amount of Rs.10,00,000/- was paid as extortion money to three unknown persons; and

thereafter, again in May, 2015. According to the Complainant, in the incident of May, 2015, three unknown persons had kidnapped Bhagwan Nandwani and demanded a sum of Rs.50,00,000/-, as extortion money for his release. The said extortionists are stated to have disclosed that they belonged to the Ravi Pujari gang. He has alleged that for the release of Bhagwan Nandwani, he had paid an amount of Rs.15,00,000/- twice.

4. Learned counsel for the Applicant submitted that the Applicant is aged 23 years and has been falsely implicated in the said case. He submitted that there are several discrepancies in the statement of Hitesh Bhaktani(Complainant), his brother Girish and the victim Bhagwan Nandwani. He submitted that the FIR itself is doubtful. According to him, the earlier incidents of extortion have not been supported by any document or by any statement of

witnesses. He submitted that merely because the Applicant was apprehended on the spot, pursuant to a trap laid by the police would not show the complicity of the Applicant. He submitted that the statement of Harshad Sawant, who discloses that the Applicant was riding pillion on Bhau's motor cycle, when some money was paid in May, 2015, does not inspire confidence. He submitted that the said statement does not show that the Applicant had received the extortion money.

5. Learned APP opposes the Bail Application. He submitted that the Applicant has been identified in the Test Identification Parade, by the victim – Bhagwan Nandwani. He submitted that the Applicant was apprehended red handed, pursuant to a trap, laid on 26.11.2015 by the Police and that he was found in possession of a knife. He submitted that the Applicant was driving the vehicle i.e. a Maruti at the relevant time. Learned APP further

submitted that the statement of the owner of the vehicle has also been recorded. According to him, the owner has stated that the said taxi was taken from him for two days, during which the present incident had taken place.

6. Perused the papers. It appears that prior to the incident of 24.11.2015, extortion money was demanded on two occasions; one in April, 2014 and one in May, 2015, and that the Complainant had paid a sum of Rs.10,00,000/- and Rs.30,00,000/- respectively, towards the said demand. On 24.11.2015, Bhagwan Nandwani was kidnapped pursuant to which Hitesh Bhaktani lodged a complaint on the same day. The Complainant has alleged that a demand of Rs.75,00,000/- was made by the kidnappers for the release of Bhagwan Nandwani. As the Complainant promised to pay the extortion money on 26.11.2015, Bhagwan Nandwani was released on 25.11.2015 by the kidnappers. On 26.11.2015, a

trap was laid and the Applicant and other co-accused came to be apprehended on the spot. The Applicant was found to be in possession of a knife. It appears from the statement of the victim Bhagwan Nandwani that he had given the description of the accused, who had kidnapped him. In the Test Identification Parade, which was held, the Applicant has been identified by Bhagwan Nandwani.

7. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Accordingly, the Bail Application stands rejected.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)