

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1726 OF 2015

Ramdas Tukaram Khopkar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep Nikam, Adv. for the applicant.
Mrs. G.P. Mulekar, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 23rd February, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.302 of 2015 pending on the file of Addl. Sessions Judge, Pune. Said case arises from Crime No.15 of 2015 registered with Paud Police Station, Pune for offences punishable under Sections 364(A), 368, 387 & 507 r/w. 34 of the IPC and under Section 3(25) of the Arms Act.

2. The said crime was registered pursuant to the FIR dated 13th January, 2015 lodged by Ramrao Deshmukh. The applicant was arrested on 3rd March, 2015. Upon completion of the investigation chargesheet was filed. The case being sessions triable, was committed to Sessions Court, Pune. The applicant had filed the application for bail which came to be dismissed by the Sessions Court, Pune on 13th August, 2015.

3. Mr. Nikam, the learned counsel for the applicant has submitted that the incident had allegedly occurred on 24th November, 2013, 22nd March, 2014 and 27th October, 2014, whereas the FIR came to be lodged on 13th January, 2015. He has further submitted that the applicant was not named in the FIR. He has further submitted that the applicant has been identified by the complainant after a period of two years. Apart from the identification parade there is no other material to connect or link the applicant to the said crime.

4. Mrs. Mulekar, the learned APP for the State submitted that the complainant has identified the applicant and that the offence being of serious nature, the applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The FIR lodged by Ramrao Deshmukh prima facie indicates that on 24th November, 2013 while he was in his office, he had received a phone call from one person informing him that he wanted to place an order for bricks and he was called to Muktai Wadi Pirangut. Accordingly he had proceeded to the said place along with one Bhau Phalke. When the complainant reached the spot, about 8 to 10 persons came made

them seat in a jeep at a gun point. They tied their eyes and took them to an unknown place. He has further stated that said persons demanded ransom of Rs.25 lacs under the threat of causing his death. He has further stated that he had agreed to pay Rs.10 lacs and thereafter he collected Rs.10 lacs from his friends and that he was released after the payment of the said amount. The FIR further reveals that on 22nd March, 2014 he had once again received a phone call demanding ransom of Rs.50,000/-. He has stated on 27th October, 2014 he received several phone calls from some persons for placing the orders for bricks. He therefore lodged the FIR, pursuant to which the aforestated crime was registered.

6. It is pertinent to note that the FIR does not disclose the name of the applicant. The records also reveal that though the complainant had allegedly paid the ransom of Rs.10 lacs on 22nd November, 2013, he had not lodged a FIR immediately after the said incident, but had lodged the same about two years after the incident. It is also to be noted that the complainant is alleged to have identified the applicant in the identification parade held in the year 2015, i.e. over two years from the date of the alleged incident. Furthermore there is no prima facie material to indicate that the applicant had

made the phone calls or that the calls were made from his cell phone. Even otherwise there is no other material to prima facie link the applicant with the said crime. The nature of material so far gathered against the applicant would therefore not justify further detention.

7. Under the facts and circumstances, the application is allowed on the following terms and conditions.

(i) The applicant shall be released in Crime No.15 of 2015 registered with Paud Police Station, Pune on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand only) with one or two sureties in the like amount to the satisfaction of the Addl. Sessions Judge, Pune.

(ii) The applicant shall not interfere with the complainant or any other witnesses in any manner.

(iii) The applicant shall not leave Pune District without prior permission of the Addl. Sessions Judge, Pune.

(ANUJA PRABHUDESSAI, J.)