

Anand

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

BAIL APPLICATION NO.1908 OF 2015

Mahendra Subhash Suryawanshi .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Satyavrat Joshi, Advocate, for the Applicant
Mr.Arfa Sait, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.03.2016

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.
49 of 2015 registered with the Pimpri Police
Station, District – Pune, for the alleged offences
punishable under Sections 120B, 342, 364A & 395 of
the Indian Penal Code.

3. The Complainant is one Nandlal Surtomal Mulchandani and the victim is his brother Ghansham Mulchandani. According to the Complainant, his brother Ghansham got acquainted with one lady by the name Kalpana Sonawane on facebook. Pursuant to the same, Kalpana and Ghansham decided to meet at Laxmi Road, Pune on 23.01.2015. It is stated that co-accused Kalpana asked Ghansham to accompany her to a temple at Shirgaon on the Ahmednagar Highway. Accordingly, Ghansham informed the Complainant that he was proceeding towards Ahmednagar to meet Kalpana. It is stated that on return from Shirgaon, Ghansham was accosted by 5-6 unknown persons and he was abducted by the said persons. On 24.01.2015, the Complainant received a call from an unknown caller, informing him that Ghansham was in his custody and the caller demanded a ransom of Rs.1 crore from the Complainant. The Complainant is alleged to have agreed to pay a sum of Rs.40,00,000/- by way of ransom. The police laid a

trap, pursuant to which the Applicant was apprehended.

4. Learned counsel for the Applicant states that the complaint was lodged as against unknown persons. He submits that the identification parade which was held on 24.02.2015, was not in accordance with the Criminal Manual. He submitted that the present Applicant was put along with three more co-accused instead of two persons. He submitted that there is no evidence, apart from the faulty identification parade, which allegedly connects the Applicant with the alleged offences.

5. Learned APP opposed the Bail Application. He submitted that the Applicant has been identified by the victim. He submitted that evidentiary value of the identification parade, will be decided by the trial Court and cannot be gone into while deciding the Bail Application. He relied on the

statement of one Ashok Chavan, who although a witness in the present case, was also a victim of the group. He submits that this group is involved in such activities. He submits that the victim was fortunate to have survived and that the police had accosted the accused before any untoward incident could take place.

6. Perused the papers. The nature of allegations as against the Applicant are serious inasmuch as, there was a demand of ransom from the Complainant. In the facts of the present case, merely because the identification parade is allegedly faulty, cannot be the sole ground to enlarge the Applicant on bail, more particularly, when the Applicant has been identified by the victim-Ghansham in the identification parade.

7. Considering the serious allegations, this is not a fit case to enlarge the Applicant on bail.

Accordingly, the Bail Application stands rejected. Needless to state, that the learned trial Judge shall not be influenced by the observations made in this order and shall decide the matter on its own merits in accordance with law.

(REVATI MOHITE DERE, J.)