

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

CRIMINAL BAIL APPLICATION NO. 2001 OF 2016

Salman Shakil Aadmane. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, advocate for applicant.

Mr. S.S. Pednekar, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : NOVEMBER 18, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 20/1/2016 in Crime No. 11/16 registered at Yeola City Police Station for the offence under section 364A, 363, 384, 387, 342

read with 120-B of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 16/1/2016 one girl had called upon Shehbaz Fakir Mohmmmed Shaikh and told him that he met her at Nashik. She wanted to meet him again and talk him. She had asked him to meet her on 17/1/2016. On that date, i.e. on 17/1/2016 the girl had called him at Shirdi. However, she did not meet them. She had also asked as to whether they had booked a lodge. The victim had called upon his friend Rahul Chavan to accompany him and they were waiting for the girl. Since she did not meet them, they decided to go home. When they were in the car and when they were close to Yeola, some people had come in another car. They had raised quarrel with them as to why they had overtaken them. After verbal altercation the victims were pushed in the car and threatened on the point of the revolver and were kidnapped to unknown place. There was a demand of ransom. Video clip was taken. There was

a demand for ransom of Rs. 30 Lakhs. The accused had taken video clip of the victim and sent to the relatives. Photographs were supplied to the relatives and informed that they had been abducted and there is demand of ransom. 15 accused have been charge-sheeted in the present case.

4 The learned Counsel for the applicant vehemently submits that the co-accused have been enlarged on bail and therefore, by virtue of doctrine of parity, the applicant also deserves to be enlarged on bail.

5 It appears from the record that the present applicant has criminal antecedents and there are offence registered against him at Shrirampur and Chaklamba Police Station. Learned APP has submitted that the plan was hatched by the present applicant and that he was at the helm of affairs at the time of incident and that one Pooja Jain had intimate relations with the present applicant and it was at the behest of the present applicant she had called

upon the victim and posed herself as Swati. There is recovery of revolver and live cartridges at the instance of the present applicant. The said recovery was in the C.R. No. 69 of 2013. The applicant had given revolver and four cartridges to the co-accused Kiran Kadu to threaten and keep the victim in confinement at the time of demanding ransom. The victims were kept in confinement at Ahmednagar. The applicant has been identified by both the victims at the test identification parade. There is sufficient incriminating material against the present applicant. The offence under Section 364A is punishable with life imprisonment. That it would not be safe to enlarge the applicant on bail, as there would be a threat perception to the victims and moreover, the applicant has serious criminal incidents. Hence, the applicant does not deserve bail.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure,

1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

7 Hence, the application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)