

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2104 OF 2015**

Sandeep Pandurang Bhame ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Pankaj Purway for the Applicant
Mrs.Veera Shinde, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 06, 2016.**

P.C.

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.106 of 2015, pending on the file of the Additional Sessions Judge, Pune for the offences punishable under Section 384, 386, 365, 397 r/w. 34 of the Indian Penal Code.

2. Shri Purway, the learned Counsel for the applicant has submitted that the prosecution had not conducted test identification parade and that there is no prima facie material to show that the

applicant herein was involved in the incident of 26.9.2014 and 14.10.2014. He has further submitted that though the investigating agency has recovered a pistol at the instance of the applicant, there is no material to show that the applicant herein had used the said pistol in commission of the said crime. He has further submitted that the applicant has no criminal antecedents and that he is a young boy of 22 years who is beyond bars since 18.10.2014. He therefore claims that the applicant be released on bail.

3. Mrs. Shinde, the learned APP has submitted that the applicant was apprehended while accepting the bribe. He has further submitted that the statement of one of the police personnel who was also the member of the said trap, prima facie corroborates the statement of the complainant. Further, the revolver used for threatening the complainant has been recovered at the instance of the applicant under Section 27 of the Evidence Act. She has submitted that the trial has not yet commenced, and considering the nature of the offence, the allegations levelled against the applicant, the possibility of the applicant threatening the complainant and

thereby hampering the trial cannot be ruled out.

4. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State.

5. The records prima facie reveal that the complainant on 26.9.2014 at about 7 p.m. while the complainant Dharamveer Singh was returning home from his workplace, one boy who was aged about 20-22 years had stopped his vehicle and had shown him one drawing and told him that his employer had given it to him. The said boy had thereafter entered the car and had pointed out a revolver, and immediately thereafter two other persons entered the car. The said persons assaulted the complainant and had demanded ransom of Rs.50 lakhs from him at the gun point, when the complainant had told the said persons that he was unable to pay Rs.50 lakhs and had agreed to pay amount of Rs.15 lakhs. The complainant has further stated that the said persons had snatched Rs.10,000/- from his pocket and had given him time to pay the

ransom amount.

6. The complaint further reveals that on 14.10.2014 at about 3 p.m. the complainant had received a phone call regarding the said ransom amount and was given further time of three days to make the payment, failing which the said persons had threatened to kill his son. On 18.10.2014 the complainant once again received a phone call and he was instructed to bring Rs.15 lakhs at Khadakvasla chowk. The complainant informed the police about the said incident and a trap was led. The records reveal that the complainant had been to the said place and had called the said persons who were demanding the ransom and had told them that he had come with the amount demanded by them. The complaint prima facie reveals that one boy had come to collect the ransom and he was caught by the police, and upon enquiry he had disclosed his name as Sandip Pandurang Bhame i.e. the applicant herein.

7. The FIR therefore reveals that the applicant herein was caught red-handed while accepting the ransom amount. The statement of Rafiq Tadvi, who was a member of the police team also prima facie

reveals that the applicant was caught while accepting the ransom amount, as such not holding the identification parade or not establishing the identity of the applicant in respect of previous incidents is not relevant at this stage.

8. It is also to be noted that while the applicant was in custody he had made a disclosure statement, pursuant to which the revolver which was allegedly used for threatening the complainant, was recovered at his instance under panchanama dated 21.10.2014. The material on record thus prima facie reveals that the applicant herein was involved in committing an offence which is of serious nature. The trial has not yet commenced. Considering the nature of the allegations, the possibility of the applicant threatening the complainant and the other witnesses and thereby hampering the trial cannot be ruled out. Considering the above facts and circumstances, the applicant is not entitled for bail. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)