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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2294 OF 2015**

Amol Laxman Sarode

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Kuldeep S. Patil, for the Applicant

Ms. R.M.Gadhavi, A.P.P for the Respondent-State

API – C.M.More, Sahakarnagar Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 31st MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 206 of 2015, registered with the Sahakarnagar Police Station, Pune, for the alleged offences punishable under Sections 364(A), 389 r/w 34 of the Indian Penal Code.

3. On 18th July, 2015 at about 5.00 p.m., when the complainant was in his shop, two persons are stated to have entered his shop and asked the employees about the whereabouts of the complainant. It is alleged that on hearing the same, the complainant came to the counter, pursuant to which the two persons who had entered the shop asked the complainant to come with them. Accordingly, they all came near a Octavia Car, wherein it is alleged that two unknown persons were sitting in the car. It is alleged that the complainant was forced to sit in the car and was told by the said persons that they were police persons and that they were asked to bring the complainant to their office by their senior and were told that the complainant should be lodged in Yerwada Jail. It is alleged that the said persons asked the complainant as to why he had beaten one Walhekar and demanded Rs.10 lakh from him to settle the dispute. It is alleged that as the complainant's wife was in the shop, the complainant gave his wife's mobile number, pursuant to which they called on her mobile and demanded a sum of Rs.10 lakh. It is alleged that the complainant's wife disclosed to them that she can arrange only Rs.50,000/- as the banks were closed due to a holiday. Accordingly, it was decided that she would pay the amount to the said persons near Sarasbaug. Accordingly, the said amount of Rs.50,000/-

was paid and the complainant was released by the said persons. Thereafter, the complainant lodged a complaint as against four unknown persons on 19th July, 2015.

4. Learned Counsel for the Applicant submitted that there was no motive for the applicant to commit the alleged offence. He submitted that although the applicant had been identified by the complainant's wife – Anita Sanjay Pangare and brother-in-law – Hanumant Baburao Pawar, the said identification of the applicant is riddled with several loopholes. He submitted that the complainant had identified only Rahul and Somnath as being the persons who were present in the car and who had gone to collect the cash from the complainant's wife. He submitted that although according to the prosecution, two persons had gone to collect the said amount of Rs.50,000/-, the complainant's wife and Hanumant Pawar have identified 3 to 4 persons respectively, as having come to collect the said amount of Rs.50,000/-. He submits that the applicant has no antecedents.

5. Learned APP on being asked, states that the present applicant has no antecedents.

6. Perused the charge-sheet. It appears that the complainant has not identified the applicant, as being the person who was present in the car, at the time, when he was abducted, nor has he identified the applicant as being the person, who had gone to collect the cash from his wife. According to the complainant, only two persons had gone to collect the cash, however the complainant's wife and brother-in-law have identified 3 to 4 persons, respectively. The Applicant has no antecedents.

7. Considering the fact, that the complainant has not identified the applicant and he has no antecedents, the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the

first Saturday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. 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.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.