

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1169 OF 2017

Shrikant s/o. Mallikarjun Swami .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Satish A. Gaikwad, Advocate for the applicant.
Mr.S.M. Ganachari, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : 19.04.2017

P.C. :-

1. This application is filed for bail. Both the sides are heard. In view of order made on 05.12.2016 previous application bearing Criminal Application No. 5771 of 2016, it was necessary for the applicant to show the change in the circumstances. The learned Counsel for the applicant submitted that prior to filing of Criminal Application No. 5771 of 2016, some accused from the said crime were granted bail, but that circumstance is not considered by this Court, while rejecting Criminal Application No.5771 of 2016. So, present application is filed.

2. The case of the applicant cannot be taken as similar to the case of the persons to whom bail is

granted. This Court made attempt to collect the record to ascertain as to whether there is possibility of absconding etc. Initially this Court was thinking to grant bail, but it appears that present applicant, whose surname is Swami was got involved in the matter, as one Swami from Chennai had made arrangement to bring the victim – Sohamlal to Latur district and they wanted to extract ransom of Rs.30 lakh from the relatives of Sohamlal. This Court has carefully gone through the statements of Sohamlal, Shashikumar and Babulal. They were detained by the present applicant and his associates right from 11.05.2016 to 15.05.2016. Due to the information, police had traced the vehicle in which they were taking Sohamlal and Shashikumar, but they did not stop the vehicle. They drove the vehicle against police person to finish him and then one vehicle was found on road which was creating disturbance. Intentionally a dash was also given to that vehicle. They caused fracture injury to Sohamlal. These acts of the persons of the gang of the present applicant show that everything was pre-planned. At the young age present applicant was holding air-gun for committing offence of aforesaid nature. The charge-sheet is filed for offence punishable under sections 307, 353, 120-B etc. of the Indian Penal Code. It can be said that the offence of kidnapping and ransom can also be tried against present applicant and

they are shown in the police papers.

3. It can be said that though the incident is started at Chennai, the entire case can be decided from the Court at Latur. The applicant is behind the bar since 15.05.2016. Due to these circumstances, only direction can be given to the Trial Court to expedite hearing of the case. It will not be safe to release to applicant on bail. He will be danger to the prosecution witnesses. There is possibility that the applicant will again get indulged in similar activity. There has been no change in the circumstances since rejection of previous application.

4. In the result, the Criminal Application is rejected. The Trial Court is directed to dispose of the case within nine months from today.

[T.V. NALAWADE, J.]