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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.101 OF 2017

Ravikumar Bhagatprasad Sharma .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Niranjan Mundargi i/b. Mr.Chandansingh Shekhawat, Advocate, for the Applicant
Mr.Prashant Jadhav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.04.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.197 of 2016 registered with the Deccan Gymkhana Police Station, Pune, for the alleged offences punishable under Sections 364A, 392, 342, 506(Part II) of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant – an Assistant Manager with the Axis Bank has been made a scape goat in the said case by co-accused Rashid Khan (alias Mohit Sharma). He submitted that co-accused Rashid

Khan made a representation to the Applicant that he was going to get some contract money and requested the Applicant to open an account in his name, as he was in dire need of money. He submitted that as the Applicant was in service, he opened an account in his brother's name Mohit Sharma. He submitted that Rs.10,00,000/- ransom money was transferred into the said account, however, the Applicant had absolutely no knowledge that it was ransom money. He further submitted that after Rs.10,00,000/- was deposited in the said account, the Applicant issued two cheques and handed over the same to co-accused Rashid Khan who encashed the said amount.

4. Learned APP submits that out of eight accused, only three have been arrested so far. He does not dispute the fact that Rashid Khan is the main accused in the said case.

5. Perused the papers.

6. According to the complainant, one Mohit Sharma (Rashid Khan) contacted him and assured that he had some raw material in Gujarat and that he would give business of two crores per annum to him. Pursuant to the said representation made by

Mohit Sharma(Rashid Khan), the complainant went to Rajasthan alongwith his employee on 17.07.2016. On reaching Rajasthan, the complainant and his employee were kidnapped and a ransom of Rs.29,00,000/- was demanded. The said ransom money was transferred by the complainant's family to two accounts i. e. Rs.19,00,000/- in Rashid Khan's account and Rs.10,00,000/- in Mohit Sharma's account (Applicant's minor brother). On payment of ransom money, the complainant returned alongwith his employee to Pune on 20.07.2016 and thereafter, the aforesaid complaint was lodged on 04.08.2016. During investigation, it transpired that Mohit Sharma was Rashid Khan in whose account an amount of Rs.19,00,000/- was transferred. It also transpired during the investigation that a sum of Rs.10,00,000/- was transferred in the account of Mohit Sharma (minor brother of the Applicant). The Applicant at the relevant time was working as an Assistant Manager with the Axis Bank, Bharatpur, Rajasthan. The statement of Alok Mathur, Senior Manager of Axis Bank shows that Rashid Khan had opened an account with their Bank and that the Applicant had opened the account in the name of his younger brother Mohit Sharma, as Rashid Khan had made a false representation to the Applicant and had requested him to open an account in his own name as he was going to get some contract money and as he was in dire need of the said money. As the Applicant could not open the account in his own name, being a salaried person, he opened an account in the name of his minor brother, Mohit Sharma. The said witness has further stated that the amount of Rs.10,00,000/- deposited in the Applicant's account, was returned by the Applicant to Rashid Khan by issuing two cheques and that Rashid Khan had encashed the said amount.

7. Learned APP is unable to show any other material to connect the Applicant with the alleged offence of kidnapping. Learned APP has also not been able to show that the Applicant had derived any pecuniary benefit from the ransom money so received in his brother's account, as admittedly the entire amount of Rs.10,00,000/- was paid to Rashid Khan by two cheques, who withdrew the said amount. At this stage, prima facie, there is no material to show that the Applicant had knowledge that the money that was transferred in the account of his minor brother, was ransom money. The Applicant is in custody since 27.08.2016. Investigation is complete and charge-sheet is filed.

8. Considering the aforesaid, the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station once in two months on the first Monday of that month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

(iii) The Applicant shall not tamper with the or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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;

(v) The Applicant to cooperate with the conduct of the trial.

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

10. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)