

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

CRIMINAL BAIL APPLICATION NO. 1196 OF 2017

Shrikant Keru Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Harshad Bhadbhade a/w. Ms. Tripty M. Kapadia, Ms. Kunjal Patil
i/b. Joy Legal Consultant for the applicant.

Mr. M. G. Patil, APP for the respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 29 JUNE 2017

P.C. :

1. This is an application for bail. The applicant is arrested on 12 April, 2017 in connection with C.R. No.155 of 2017 registered with Dahisar Police Station, Mumbai for the offences punishable under sections 364(a), 397, 385, 323, 504, 506 read with 34 of IPC.

2. The prosecution case is that the complainant is the owner of Utsav Bar & Restaurant. He used to visit the hotel in the evening. It is alleged that on 9 April, 2017, he received a telephone call from Shrikant (applicant). It was informed to him that one Bar & Restaurant / permit room is available for partnership at Sambhaji Nagar, New Link Road, Dahisar, Mumbai. The informant expressed his readiness to visit the said place. The informant, therefore, proceeded from the vehicle. When he reached Sambhaji Nagar, one car stopped in front of him. Accused Prakash Pawar dragged the

informant in the said car. The applicant had also reached the spot in a different vehicle. It is further alleged that the informant was assaulted by Prakash Pawar by kick blows and pointed country made revolver on his forehead and abused him in filthy language. He was also assaulted by stick. He was threatened as to why he has lodged the case of extortion against the assailant. The golden chain and the mobile phone belonging to the informant were taken away. Hence, FIR was registered with the aforesaid Police Station on 9 April, 2017.

3. The applicant was arrested on 12 April, 2017 and since then he is in custody. Initially he was remanded to police custody and subsequently to judicial custody.

4. Learned advocate for the applicant submitted that the role that has been attributed to the applicant is that he gave the telephone call to the informant and met him at the place of incident. The role of dragging the complainant in car or abducting him and / or assaulting him is attributed to other accused. He submitted that the prosecution has not established any link between the act of abduction and assault on the informant by the co-accused with the applicant. He further submitted that apart from the aforesaid overt act, the participation of the applicant is not established in the crime. It is submitted that the co-accused who assaulted the informant had threatened the complainant / informant on the ground that the extortion case was lodged by the complainant against the said accused. It is further submitted that the applicant is in custody from the date of his arrest and no purpose would be served by keeping him in custody.

5. Learned APP opposed the application for bail. Learned APP

pointed the statement of one Khameshwar Bedra recorded on 10 April, 2017. The said witness is the driver of the informant. In the said statement, he has stated that the applicant is also one of the person who dragged the informant in the car which was driven by the co-accused. Learned APP further submitted that the applicant has, therefore, played a vital role in the crime, and hence, bail should be refused.

6. Perused the FIR and the order passed by the Sessions Court. Admittedly, the role attributed to the applicant by the first informant is that the applicant had given a call to him and he reached at the place of incident. The participation of the applicant is not shown in the second part of the incident. The driver of the complainant had implicated the applicant as one of the person who dragged and pushed the informant in the car driven by the co-accused. However, the first informant is silent in that regard. The applicant has been in custody from 12 April, 2017. Although chargesheet has not filed, investigation qua applicant is over. Hence, the applicant can be released on bail.

7. Hence, I pass the following order;

:: ORDER ::

- (i) Bail Application No.1196 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only.) with one or more sureties in the like amount.

- (iii) The applicant is directed to report to Dahisar Police Station, Mumbai once in a week on every Saturday between 11.00 am to 1.00 pm till filing of the chargesheet and thereafter as and when called for.
- (iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]