

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1714 OF 2017

Mr. Anup Ramsahay Singh	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Ajay Kumar Singh,Advocate for the applicant.
Mr.Ajay Patil,APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 20th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 24.5.2016 in Crime No.148 of 2016 registered at Byculla Police Station. The investigation is completed and charge sheet is filed against the present applicant under Sections 364(A), 385, 389,342, 170, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 24.5.2016 , Jujair Mustansir Sangothawala lodged a report at the police station alleging therein that three months prior to the incident, the first informant had purchased Honda City Car from accused No.1. The said car had met with an accident at Marine Drive, Mumbai. The informant had paid damages to the tune of Rs.20,000/-. The original accused No.1 was demanding more

amount. That accused No.1 had called the informant on 22.5.2016 at Mazgaon by sending a message on WhatsApp message. At about 4.30 p.m., the first informant reached the spot. He was forcibly pushed into a black coloured Xylo Car. One of the inmates of the said car had represented as a CBI Officer. The first informant was threatened of dire consequences. He was taken to Chembur. There was a demand of ransom of Rs.10 lakhs. The first informant was also told that in the eventuality he fails to fulfill the demand, he would be implicated in a case under the provisions of NDPS Act. The informant was allowed to speak to his brother. Thereafter, on the next day, there was a demand from the father of the first informant and he was also informed that the documents of the car should be returned forthwith. At that stage, the first informant had lodged a report on the basis of which Crime No.148 of 2016 was filed.

3. The learned counsel for the applicant vehemently submitted that the applicant is a student. He was not concerned with the transaction of the car. It is further submitted that the driver of the said car was arrested and since the said Xylo car belonged to the father of the applicant, he was called at the police station. Therefore, he was taken into custody and therefore, the applicant deserves to be enlarged on bail.

4. The learned APP submits that the complainant was present at the police station when the applicant was summoned to the police station as the car belonged to him. At that time, the complainant had informed the police officer that the applicant happened to be the person who had represented himself as the CBI officer and had demanded Rs.10 lakhs. It is also the case of the prosecution that the cellphone of the applicant was found in the car. Upon going through the records of the cellphone, it was seen that the photo image of the complainant was sent to the present applicant by the co-accused Talha Malim. The said cellphone has been sent for Forensic analysis. Report is awaited. It is also submitted the offence punishable under Section 364A is punishable with imprisonment for life.

5. Taking into consideration the incriminating material against the present applicant and the records showing his direct involvement in the evidence, the applicant does not deserve to be enlarged on bail. The application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)

