

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2529 OF 2016

Rekha @ Rafiq Kamruddin Shaikh	..Applicant
-Versus-	
The State of Maharashtra	..Respondent

Mr. Aniket Nikam i/b. Aashish Satpute for applicant
Mrs. Rutuja Ambekar, APP for State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 20th February 2017.

P.C.

1] The application is made for bail as the applicant accused is prosecuted for the offences punishable under section 363 and 364 of IPC in C.R.No. 245/2016 which is registered at Yervada police station, Pune. It is the case of the prosecution that one Lovli Singh @ Ranjit Singh is son of complainant Harjinder Singh Batowa. He was residing with his family at Yervada. He was friendly with one Rafique @ Rekha Kamruddin Khan. On 11th February 2016, there was quarrel between Lovli Singh and Rafique Khan. Lovli Singh had assaulted the applicant with sickle in the offence punishable under section 326 of IPC registered against him. Lovli Singh was

arrested and detained in Yervada Central Prison. On 1st March 2016 Lovli Singh was bailed out. The said Lovli Singh was addicted to Ganja. On 4th March 2016 the said Lovli Singh disappeared and, therefore, his father the complainant approached police on 14th March 2016 and filed a missing complainant. Thereafter, the offence was registered against the applicant – accused. The applicant accused was arrested on 19th May 2016 and since then, the applicant accused is in prison. Hence, this application.

2] The learned Counsel for the accused submitted that the applicant – accused is innocent, and has not committed any offence. There is no evidence against him. He also submitted that the applicant accused is arrested only on suspicion as there was previous fight between the applicant and said Lovli Singh.

3] The learned Prosecutor while opposing this application relied upon the complaint of Harjinder Singh and thereafter the statements recorded of Babasaheb Sonawane, Mukesh Sonawane and Shrijay Sonawane. The prosecutor also submitted that there was strong motive for the applicant to kidnap Lovli Singh. She further submitted

that till today said Lovli Singh is not found. However, police have filed charge sheet.

4] Perused the statements of the witnesses. In the month of February 2016, the applicant accused was assaulted by Lovli Singh and on 1st March 2016 Lovli Singh was granted bail and he was out. On reading the statement of Babasaheb Sonawane it is seen that he met Lovli Singh on 4th March 2016 at around 4.30 pm at Yervada. Lovli Singh kept his bag in his tempo and told him that he was going to meet his friend and he walked towards the grave yard. As per the statement of Babasaheb Sonawane, he waited at the spot for a long time as he was expecting some customer for hiring his tempo. However, at 1.30 a.m. on 5th March 2016 he went to the house of Lovli Singh's father Harjinder Singh and returned the said bag after informing him about the incident. Besides this, there is no evidence against the applicant – accused, disclosing that the applicant accused has kidnapped Lovli Singh. Though there is motive for applicant accused to commit the offence against Lovli Singh, prima facie, there is no other evidence connecting the applicant accused with the offence. Hence, he is granted bail on the following

conditions:-

- (I) The applicant is released on bail in the sum of Rs.30,000/- with one or two sureties in the like amount;
- (II) The applicant shall attend all the dates in trial court;
- (III) The applicant shall not tamper with the evidence;
- (IV) The applicant shall not jump bail
- (V) The application is disposed of.

(Mridula Bhatkar, J.)