

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

BAIL APPLICATION NO.2542 OF 2016

Amol Gangadhar Jadhav & anr.

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.Aniket Nikam i/b C.S. Damre for the Applicants
Mrs.Rutuja Ambekar, A.P.P., for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 17, 2017

P.C. :

1. The application is moved for bail that the applicants/accused prosecuted for the offences punishable under sections 395, 307, 386, 506(2), 323, 504, 294, 120B and 109 of the Indian Penal Code; under sections 3(25), 4(25) of the Arms Act and under section 135 of the Maharashtra Police Act, registered with Ambad Police Station. One Shubham Vijay Bhavsar gave information to the police on 1.6.2016. It is the case of the complainant that he is a fruit vendor. On 31.5.2016, one Shakir Nassir Pathan, Ganesh Wagh and other persons assaulted him and demanded money from him and also asked him to pay premium to them upto Rs.5

lakhs and when he refused, they assaulted him with iron rod and kicks and fist blows and also sword. They took away Rs.7,300/- cash from him. So, this offence was registered.

2. On 16.6.2016, the same complainant Shubham Vijay Bhavsar was kidnapped by 3 to 4 unknown persons and he was taken in a car and then, on speaker, some unknown person spoke that the complainant should withdraw his case in C.R. No.132 of 2016 and thereafter again, he went to the police and another case was registered against those unknown persons and the other accused at C.R. No.150 of 2016 registered at Ambad Police Station. In the said offence, both the present applicants/accused were arrested on 20.6.2016. Thereafter, the applicants/accused were transferred and shown as arrested on 11.7.2016 in the present C.R. They are in prison since then and hence, this Bail Application.

3. The learned Counsel for the applicants/accused submitted that the applicants/accused were not involved in the C.R. No.132 of 2016 which had taken place on 31.5.2016. He submitted that there is no evidence against the applicants/accused and hence, they are to be granted bail.

4. Learned Prosecutor has opposed the application.
5. Perused both the FIRs dated 1.6.2016 and 18.6.2016. There is no sufficient evidence against the applicants/accused about their participation in C.R. No.132 of 2016 which is registered on 1.6.2016. Under such circumstances, the Bail Application is granted on the following terms:
 - a) The applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty thousand only) with one or two solvent sureties in the like amount.
 - b) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
 - c) The applicant-accused shall not indulge into any criminal activity and shall not be associated with the Syndicates of either Ganesh Wagh or Shakir Nassir Pathan.
 - d) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

e) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)