

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (BA) NO. 916 OF 2017**

(Santosh S/o Vitthal Shelke..vs..The State of Maharashtra, through
PSO.PS.Risod,District-Washim)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.M.Mardikar, Advocate for applicant.

Smt.Kalyani Deshpande, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 26, 2017

Heard learned counsel for applicant and
learned A.P.P. for State-non-applicant.

2] The applicant is arrested in connection with
Crime No.111/2017, registered with P.S.Risod,District-
Washim for the offence punishable under Section 364-A
of the Indian Penal Code. The learned counsel for the
applicant submits that the prosecution story is highly
unbelievable and therefore applicant should be released
on bail. Further, he submits that in view of the law laid
down by Hon'ble Apex Court in **Megha Singh..vs..State
of Haryana,1995 CRI.L.J.3988** which is followed in
**Mukhtiar Ahmed Ansari..vs..State (N.C.T. of Delhi),
AIR 2005 SC 2804** the applicant is required to be
released on bail because investigating officer is very
same officer who has recorded the statement of first
informant. First of all, the submissions based on
Mukhtiar Ahmed Ansari case(cited supra) by the

learned counsel for the applicant is highly misplaced. Presently, this Court is dealing with the application filed by the applicant for bail under Section 439 of the Code of Criminal Procedure.

3] It is also one of the submissions of the learned counsel for the applicant that the present applicant is implicated only on the statement of co-accused and there is no material against the present applicant. I am afraid that such submissions are in consonance with the record. The said submission is contrary to the record and F.I.R.

4] The F.I.R. is lodged by one Smt.Kasabai Ramesh Lokhande. The victim Vishal is her son ,aged about 11 years. The first informant's husband Ramesh Lokhande is working with one Jahangir Baba Trust at Shirpur Jain. On 1/5/2017, Vishal had been to Shirpur to meet his father. On 2/5/2017 at about 11.00 a.m. first informant received a phone call from Vishal that he has left Shirpur to reach to Pankanergaon, the place of the first informant. At about 3.00 p.m. first informant received phone call from Vishal that four persons have kidnapped him from Risod Bus stand. Thereafter, one person had a contact with first informant and informed first informant that she should give Rs. 20,000/- else she will have to face dire consequences with Vishal. Thereafter, as per first informant, she alongwith one of the relatives went to Pankanergaon in the vehicle of Pintu Rodge and other proceeded towards Hingoli. That

time she again received phone call from Vishal's cellphone. It was revealed that time to her that she should come alone else the boy will be taken elsewhere. At Raholi Fata,Hingoli she could notice Vishal, that time two persons were accompanying Vishal. As soon as first informant saw her son Vishal, he hugged his mother and started weeping, the most natural reaction on the part of Vishal. The F.I.R. further proceeds that the persons who were accompanied with Vishal demanded RS. 20,000/- .That time, there was some verbal altercation between first informant and said persons. At that time Pralhad who accompanied first informant disclosed the said persons that he has made a phone call to police. After getting this particular information these two persons ran away from the spot and started running away in a white coloured car bearing no.MH-38-4044. The said vehicle was chased by the first informant and her companions. At Rahuli village the villagers stopped the said car and persons were apprehended. The Hingoli Police came there and they made inquiry that time they disclosed their identities as Sandip Raghunath Jadhao (accused no.1) ,Shrikant Dilip Gupta(accused no.2), Santosh Vitthal Shelke(accused no.3-the present applicant) and Prakash Rajaram Jadhao (accused no.4). Thus, it is clear that applicant was apprehended on the spot itself. Therefore, the submission of learned counsel for the applicant is not only misconceived but is misleading that the applicant is arrested only on the

statement of co-accused. The offence punishable under Section 364-A of the Indian Penal Code is very serious offence. The applicant alongwith his companions in order to extract money has kidnapped young boy. It is because of timely help with a grace of god the life of the said boy is saved. Hence, application is dismissed.

JUDGE

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