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

CRIMINAL BAIL APPLICATION NO.87 OF 2018

Rahul Rama Thorat	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.V.V.Purwant, for the Applicant.

Ms.A.A.Takalkar, A.P.P for the Respondent-State.

A.P.I. - P.T.Kale, Kasarvadavli Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th APRIL, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-126 of 2017 registered with the Kasarvadavli Police Station, Thane, for the alleged offences punishable under Sections 353, 364, 332 r/w 34 of the Indian Penal Code.

3. Perused the charge-sheet. According to the complainant-Savasakade (Police Nayak), the incident took place in the intervening night of 4th July, 2017 and 5th July, 2017, when he was on duty. The complainant has alleged that he found one car bearing no.MH-03-BC-8875 parked at Bhoi Pada Girikunj Society; that as he found the persons sitting in the said car, suspicious, he made enquiries with the said persons and sought their details; that when he questioned them about their license, they replied that they had forgotten the license at home; that he asked the said persons to get down from the said vehicle and asked them to open the dikki of the car; that the said persons sitting in the car including the applicant forcibly pulled him (complainant) in the car and kidnapped him; and that when he asked the person who was driving the car to stop the car, he did not stop the car and instead drove the car faster. The complainant has further alleged that one of the persons sitting on the rear seat of the car, asked that he be thrown outside the car and it is at this stage that the complainant apprehending danger, pulled the driver, resulting in the driver losing control over the car and dashing into the tree. The applicant is one of the accused, who appears to have been in the car, when the complainant was abducted. In the said incident, the complainant has sustained abrasion over his wrist, blunt

trauma to his left leg and to his neck and shoulder. The applicant is aged 20 years and is in custody since 7th July, 2017. Investigation is complete and charge-sheet is filed. The applicant has no antecedents.

4. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall co-operate in the conduct of the trial;
- iii) If there are 2 consecutive defaults in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

5. The Application is allowed and disposed of in above terms.

6. It is made clear, that the observations made herein are *prima*

facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)