

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

BAIL APPLICATION No. 708 OF 2018

Rama Rajendra Sadekar & Ors.	Applicants
Vs.	
The State of Maharashtra	Respondent

Mr. Priyal Gopaldas Sarda for Applicants
Mr. Y.Y. Dabake -APP

CORAM : SMT. SADHANA S. JADHAV, J.
DATE: JUNE 14, 2018

P.C.

1. Heard. This is an application filed under section 439 of the Criminal Procedure Code. The Applicants herein are arrested on 29th May, 2014 in Crime No. 205 of 2017 registered at Barshi City Police Station for offences punishable under Section 364A, 143, 323 r/w. 34 of the Indian Penal Code.
2. It is the case of the prosecution that on 11th May, 2017 Anuradha Doifode lodged a report at the police station alleging that on 11th May, 2017 her husband had left the house for jogging at 6.30 a.m. and had not returned home. She suspected that some untoward incident like kidnapping, and, therefore, she approached the police station.

3. On the basis of her report, Crime No. 205 of 2017 was registered against unknown persons. On 12th May, 2017, the husband of the Complainant had visited the police station and his statement was recorded by the police. He had disclosed to the police that on 11.5.2017, at about 6.00 p.m. when he had gone for morning walk, he was kidnapped by unknown persons, who had shoved into a car and had taken him away.

4. The statement of Madhu Doiphode was recorded on 12th May, 2017. He had disclosed that he runs coaching classes in the name of Ravi Coaching Classed at Barshi. That they abducted and had muffled their faces. They had demanded money from him. One of the person had asked him as to why he had not paid money to the boys of Hande Galli. Thereafter, the said persons had demanded a ransom amount from him. He had agreed to pay the amount of Rs.25,00,000/- to them in the eventuality that he is released. They had informed him that they would call him on Saturday and that he should pay money to them and they would inform the time and place on the said day and if he would inform the police, they would come to his class and shoot him. In the meanwhile, he met some of his Ex-student and he went to police station and his statement was recorded. It is apparent that the said persons had not caused any injury to the complainant.

5. According to the learned counsel for the Applicants, the Applicants are innocent and that they have not indulged into the alleged offences. According to the learned counsel for the Applicants do not have any criminal antecedents. The original Accused is one Vilas Ubale, against whom there are several cases have registered at Kurundwadi Police Station at Barshi being Crime No. 205 of 2017 punishable under section 364A, 143, 323 r/w. 34 of the Indian Penal Code.

6. The learned APP submits that the three accused have identified in the test identification parade.

7. Upon perusal of the same, there was a proposal seeking sanction under the provisions of the MCOC Act. However, the same turned down by the Sanctioning Authority. The Applicants have been in custody for about 10 years. The offences punishable under 363 of IPC contemplates imprisonment for seven years. Hence, the Applicants herein have made out a case for grant of bail. The above mentioned observations are prima facie in nature and are restricted only for the present application filed under section 439 of the Criminal Procedure Code and shall not be taken into consideration for deciding the application for discharge or at the time of trial. Hence, the following order:

ORDER

(i) The bail application is allowed.

- (ii) The Applicants be enlarged on bail on furnishing a P.R. Bond in a sum of Rs.50,000/- each and one or more solvent sureties in the like amount.
- (iii) The Applicants shall not reside at Barshi till the conclusion of the trial except attending the scheduled dates before the Court.
- (iv) The Applicants shall inform their place of residence, cell phone numbers and other details to Barshi Police Station within 1 week from their release.

[SMT. SADHANA S. JADHAV, J.]