

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1374 OF 2017**

Sandipan Rajaram Bhosale. ..Applicant.

V/s.

The State of Maharashtra. ..Respondent.

**WITH
CRIMINAL BAIL APPLICATION NO. 1288 OF 2017**

Tejas Lalaso Patil. ..Applicant.

V/s.

The State of Maharashtra. ..Respondent.

Mr. A.P. Mundargi, Sr. Counsel I/b. Mr. Jaydeep D. Mane, advocate for applicant in BA 1374/2017.

Mr. Rahul K. Dhaygude, advocate for applicant in BA 1288/17.

Mr. S.H. Yadav, APP for State.

Mr. Pradeep Mane, ACP, Panvel, Navi Mumbai.

CORAM : SMT. SADHANA S. JADHAV, J.

RESERVED ON JUNE 27, 2018.

PRONOUNCED ON AUGUST 20, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned
APP for State.

Talwalkar

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 1/8/2016 in Crime No. 97 of 2016 registered at Kharghar Police Station for the offence punishable under section 364A, 385, 464, 465, 468, 471, 120B read with section 34 of the Indian Penal Code and section 3(1)(ii), 3(2) and 3(4) Maharashtra Control of Organised Crime Act, 1999.

3 It is the case of the prosecution that on 25th March, 2016 Pravin Laxman Deokar had gone for attending the marriage ceremony of his friend Vasudeo Mhatre. He had not returned home till 26th March, 2016. On that day i.e. on 26th March, 2016 at about 3.30 p.m. Sachin Shinde informed the father of Pravin that he had received a phone call from cell phone of Pravin informing him that Pravin and Bajrang Shinde have been kidnapped and there is a demand of ransom of Rs. 10 Lakhs and in the eventuality that the ransom is not paid, they would eliminate Pravin and Bajrang. At about 3.30 p.m. on the same day, Sachin had once again received a call from cell phone of Pravin reiterating the demand by kidnappers. Thereafter, one of the friend of Pravin namely Sandip Gaikwad called upon Laxman Deokar demanding ransom of Rs. 10 Lakhs. Calls were made from 3 different cell phone numbers. Laxman Deokar had then rushed to the police station and lodged the report.

Talwalkar

4 In the course of investigation, it had revealed that one Subhash Dnyandev Mane @ Appa @ Ravi @ Bunti was the leader of the gang and he had committed offences in Navi Mumbai, Solapur, Satara, Pune, Osmanabad etc. of similar nature. Pravin and Bajrang Shinde were released by the kidnappers on 26th March, 2016 and both had been to their native place at Satara. The statement of Pravin and Bajrang were recorded. They have disclosed that on 25th March, 2016 at about 7 p.m. when they were proceeding towards Khutari village two cars had followed them. One was Fortuner and another was Maruti Swift D'Zire. Arvind Pawar @ Pintu had kidnapped both of them, taken them to Indapur and they were detained in government rest house. The said persons have snatched gold chain of Bajrang Shinde. Both of them were assaulted and coerced to make phone calls demanding ransom. On 26th March, 2016, 2 persons were taken to farm house at Ujani canal. On 27th March, 2016 Manik, brother of Bajrang paid Rs. 2.50 Lakhs. A golden chain was also recovered and thereafter, Pravin and Bajrang were released. Pravin and Bajrang had named Arvind Pawar @ Pintu, Subhash Mane @ Appa, Nitin Babu Kadam @ Kattappa, Tejas Patil, Dhanaji Sakhalkar, Tanaji Misal, Amol Mane etc.

5 In the course of investigation, statement of Sandeep Gaikwad was recorded on 1/4/2016. According to him, he had disclosed that

Talwalkar

Sandipan Bhosale had introduced him to Arvind @ Pintu Pawar who was active member of sand mafia. Dhanaji Sakhalkar was also acquainted with the present applicant as well as Sandip Gaikwad. That Pintu Pawar's activities had come to an end and therefore, he associated with Sandip Gaikwad for some time, as Sandip Gaikwad happens to be a jeweller and partner of the father of Pravin Deokar. Pintu Pawar had met Bajrang Shinde. Bajrang Shinde used to disclose to Sandip Gaikwad his money transactions and Pintu Pawar had heard the said disclosure. Pintu was also aware of the fact that Bajrang Shinde had kept some amount with Sandip Gaikwad. Pintu Pawar had left Sandip Gaikwad in the month of March i.e. on 20th March, 2016. Sandip Gaikwad had also given him Rs. 2,000/-. On 25/3/2016 Sandip Gaikwad had asked Bajrang Shinde and Pravin Deokar to join him for attending marriage rituals(Haldi) and that they were to leave together. He was waiting for them at sector 12. He also tried to contact them, but they were out of reach. In the meanwhile, Sandip Gaikwad had heard about demise of his friend Prakash Sawant at Sangli and therefore, he had left for Sangli early morning on 26/3/2016. He wanted the applicant Sandipan Bhosale to accompany him. Sandipan Bhosale was to go to Sangli for the funeral. They had met at hotel Veg Street. At that juncture, he had received a phone call from the wife of Bajrang Shinde informing him that Bajrang had gone for the marriage function but has not returned home. Gaikwad in turn had

informed the wife of Bajrang Shinde that Bajrang and Pravin had not attended ceremony.

6 It is alleged that on 22/3/2016 one of his friend Tejas Patil i.e. the applicant in Cri. Bail Application No. 1288 of 2017 had informed him to be cautious as there is some danger. However, Sandip Gaikwad had ignored the said instructions. But since Bajrang had not returned home, he became apprehensive. He once again tried to contact Tejas Patil. At that time, Gaikwad had informed him that he is at hotel Veg Street. Sandipan and Gaikwad had learned from Dhanaji Sakhalkar that Bajrang and Pravin had been kidnapped by Pintu Pawar and his friends. Dhanaji had further informed that Pintu Pawar was demanding ransom of Rs. 1 Crore. Pintu had informed Dhanaji and others that they have earned crores of rupees by cheating jewellers from Gujarat. Gaikwad had requested Dhanaji Sakhalkar to contact Pintu Pawar and at the relevant time, Dhanaji Sakhalkar had passed on message that they are demanding Rs. 10 Lakhs. Dhanaji had taken assurance from Gaikwad that he should give the amount and thereafter, he would request the boys to release the kidnapped persons. Sandipan Bhosale was trying to negotiate. Sandeep Gaikwad suspected some foul play. At that juncture, Dhanaji Sakhalkar stated that they should meet Pintu Pawar and his associates in person. When the witness had deferred to meet, Dhanaji

Talwalkar

Sakhalkar had drawn his revolver and tried to hand over the same to Sandip Gaikwad. Sandip Gaikwad refused to take the same. Sandipan Bhosale and Dhanaji Sakhalkar left the said place. Thereafter, Sandip Gaikwad and Dnyaneshwar Bhosale decided to inform the police. Laxman Deokar, who is first informant was informed about this incident. Thereafter, Pintu Pawar had abused the witness Sandip Gaikwad, who got scared and proceeded to Atpadi. Thereafter, he had learnt from Laxman Deokar that Uttam Nanaware had managed to collect Rs. 2,50,000/- and had paid to the kidnappers and got the boys released. Upon further enquiry, witness had learnt that a conspiracy was hatched by Pintu Pawar, Aba Waghmare, Misal Master, Dhanaji Sakhalkar and associates. Similar is the statement of Dnyaneshwar Bhosale. The statement of Dnyaneshwar Bhosale was recorded under section 164 of the Code of Criminal Procedure, 1973. He had corroborated the statement with the statement of Sandip Gaikwad.

7 The prosecution has filed an affidavit stating therein that the call details record of the cell phone of the present applicant -Sandipan Bhosale indicated that he was in contact with gang leader Subhash Mane. The applicant was also present at the time when the conspiracy was hatched. On the day of the incident also i.e. on 26th March, 2016 the applicants alongwith co-accused Dhanaji Sakhalkar had

asked Sandip Gaikwad to give extortion money. The statement recorded under section 18 Maharashtra Control of Organised Crime Act of the co-accused Santosh Waghmare corroborated the same.

8 Learned Senior Counsel for the applicant has submitted that the applicant- Sandipan Bhosale has no criminal antecedents nay he is charge-sheeted with Subhash Mane in any other offence. At present, he is being prosecuted on the ground that he was in contact with Subhash Mane prior to the incident and at the time of the incident and therefore, Joint Commissioner has accorded sanction for prosecuting the applicant under the provisions of Maharashtra Control of Organised Crime Act.

9 It is a matter of record that the witnesses Sandip Gaikwad as well as Dnyaneshwar Bhosale were acquainted with Dhanaji Sakhalkar and Pintu Pawar and others. The witnesses were not knowing Santosh Mane. That there are no criminal antecedents and in the present case the only material is the statement of co-accused that the applicant- Sandipan Bhosale were present when the conspiracy was hatched. In fact, Sandip Gaikwad had called the present applicant-Sandipan Bhosale to proceed to Sangli and they had met at hotel Veg Street. In fact, the statement of Sandip Gaikwad would show an active role played by

Dhanaji Sakhalkar.

10 As far as, the applicant Tejas Patil is concerned, incriminating material against him is in the nature of the statement of Sandip Gaikwad that he had given a word of caution to him. That there is some danger to his life. Learned APP submits that this by itself would indicate that Tejas Patil had hatched conspiracy alongwith principal accused.

11 The learned Counsel for the applicant submits that in fact, the applicant-Tejas Patil had given a word of caution to Sandip Gaikwad. He was not present with the co-accused, when the two persons were kidnapped and therefore, he deserves to be enlarged on bail.

12 The applicants are not charge-sheeted with Subhash Mane in any previous cases. As contemplated under section 21(4) of Maharashtra Control of Organised Crime Act, in the above mentioned facts, it cannot be said that in the event of being enlarged on bail, the applicants are not likely to get involved in any offence as they have no criminal antecedents. Hence, they deserve to be enlarged on bail.

13 The observations are prima facie in nature and restricted

Talwalkar

to the application under section 439 of the code of Criminal Procedure, 1973 and the same shall not be considered for discharge application and at the time of trial.

14 Hence, the following order is passed :

ORDER

(i) The applications are allowed.

(ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- each with one or more solvent sureties in the like amount.

(iii) They shall not reside in Taluka Malshiras till framing of charge.

15 Both the applications are disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna
Sandeep
Talwalkar

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