

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

BAIL APPLICATION NO.1603 OF 2018

Vilas Narhari Ubale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ashok P. Mundargi, senior advocate with Mr. Priyal Sarda for the Applicant.

Mr. S.H. Yadav, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th OCTOBER, 2018.

P.C.:-

Heard Mr. Ashok Mundargi, the learned senior counsel for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent-State. I have perused the records and considered submissions advanced by the learned counsel for the respective parties.

2. This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in C.R. No. 205 of 2017 registered with Barshi City Police Station, District-Solapur, for offences punishable under Sections 364-A, 143 and 323 r/w 34 of the Indian Penal Code, 1860.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Anuradha Madhukar Doiphode. The first informant has claimed that on 11.5.2017 at about 6.00 a.m. husband of the first informant i.e. Madhukar Doiphode had gone for a walk. At about 6.30 a.m. one Vinay Pawar informed her that while Madhukar Doiphode was near Gauri Hotel, about four unknown persons dragged her husband Madhukar in a white scorpio car, which proceeded towards Kurduwadi. The first informant rushed to the Gauri Hotel and found shoes of her husband lying at the place of the incident. She lodged the FIR at Barshi Police Station against unknown persons for abducting her husband.

4. The statement of the victim-Madhukar prima facie reveals that on 11.5.2017 at about 6.00 a.m. while he was jogging, he had seen one car without a number plate by the road leading to Pokale hospital. The said car followed him as he walked towards Gauri Hotel. When he reached near the hotel three persons, who had covered their faces with handkerchief and towels got down from the car and forcibly pulled him in the car and proceeded further. He has stated that in the course of the scuffle, the towel from the face of one of the persons had dropped. He could therefore see the face of the said person. The said

persons demanded ransom of Rs.50 lakh. When he expressed his inability to pay Rs.50 lakhs, they told him to pay minimum Rs.25 lakhs, failing which they threatened to cause his death. The said persons were constantly receiving as well as making phone calls. They learnt that the wife of the victim had lodged the FIR. Hence, they dropped him at an unknown place and told him to pay the money on receiving the phone call. They also threatened to shoot him, if he were to disclose the incident to anyone. He met one of his ex-student, Ragade, who recognised him and told him that he was at a place called Varadwadi Fata. Said Madhukar made a call to his wife and informed her that he was at Varadwadi Fata. Thereafter he alongwith some villagers and others came to Barshi Police Station.

5. The statement of this witness prima facie reveals that while he was in the car, he had an opportunity of seeing the abductors. He has identified this Applicant in the ID parade as one of the abductors. Thus, the statement of said Madhukar Doiphode prima facie indicates that the Applicant was involved in abducting him for extorting money by putting him in fear of death and hurt.

6. Mr. Mundargi, the learned senior counsel for the Applicant

contends that similarly placed co-accused has already been granted bail. He has placed reliance on order dated 14th June, 2018 in Bail Application No.708 of 2018 passed by this Court (Coram: Smt. Sadhana S. Jadhav, J.) wherein the other co-accused have been granted bail by this Court. It may be mentioned that in paragraph 5 of the said order this Court has observed that the Applicant is the main accused in committing the crime. Hence, prima facie the applicant cannot be said to be similarly placed. The learned APP has also placed on record a chart of cases pending against the present Applicant, which shows that total 9 cases are pending against the present Applicant.

7. Under the circumstances, there are reasonable grounds to believe that the Applicant had abducted the victim Madhukar for extorting money by putting him under fear of death and hurt. The nature of allegations and the criminal antecedents of the Applicant do not justify grant of bail. Hence, the Application is dismissed.

8. The aforesaid observations shall not be construed as an expression of opinion on merits of the case.

(SMT. ANUJA PRABHUDESSAI, J.)