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

CRIMINAL BAIL APPLICATION NO.2275 OF 2017

Kalim Ishaque Ansari

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Pradyumna Waghmare, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

PSI – S.B.Chavanke, AHTC Crime Branch, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th 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-186 of 2015 registered with the Vartak Nagar Police Station, Thane, for the alleged offences punishable under Sections 363, 364A, 387 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the aforesaid case and that he was arrested only in March, 2017, although the case was registered in 2015. He submitted that there is no nexus between the two arrested co-accused and the applicant. He submitted that there are no CDR's, to show that the applicant was in touch with the other two co-accused.

4. Learned APP opposed the application.

5. Perused the charge-sheet. According to the complainant-Phulchandra Chandra, he was working as an LIC Agent and was staying with his family in the Vasant Vihar area; that on 26th March, 2015, his daughter had sent his son-Sumedh to purchase milk at about 9.30 p.m.; that Sumedh did not return home, pursuant to which, he and his relatives searched for Sumedh and realized that Sumedh had been kidnapped by some unknown person. Pursuant thereto, the complainant lodged the aforesaid complaint/FIR with the Vartak Nagar Police Station, alleging the aforesaid offences. During investigation, the police arrested two accused i.e. one Narendra Jaiswal and one juvenile Harendra Yadav, on 7th April,

2015. It appears that the applicant was absconding and hence was arrested on 25th March, 2017. A perusal of the Supplementary Statement of the complainant dated 30th June, 2015, shows, that he had received a call on his mobile on 1st April, 2015 and that the said person had demanded a ransom of Rs.1 lakh. The complainant in the said supplementary statement has also stated that he had identified the voice on the said mobile phone, as that of the applicant. He has stated that the applicant alongwith other co-accused had kidnapped his son and had demanded Rs.1 lakh as ransom money. It appears that the voice sample of the applicant was taken after his arrest in 2017 and was compared with the voice recording of the person, who had called the complainant. The FSL Report shows that the voice was that of the applicant. It is informed that the body of the complainant's son was never found.

6. Considering the *prima facie* material, as against the applicant, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the application for bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)