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

CRIMINAL BAIL APPLICATION NO.2908 OF 2017

Krushnakumar Ramashish Ram	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms.Saugatha i/b M.A.Gadhav, for the Applicant.

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

PSI – R.A.Patil, Dahanu Police Station, Palghar.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th 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-67 of 2016 registered with the Dahanu Police Station, Palghar, for the alleged offences punishable under Sections 364-A, 120B, 379, 385 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case. He submitted that the recovery

of knife cannot be believed, as the applicant being from Bihar, had no knowledge of Marathi. He submitted that there are certain discrepancies in the 164 statement of Pinky Bhagat and the Remand Report with respect to where the applicant was arrested/found.

4. Learned APP opposed the application.

5. Perused the charge-sheet. The incident has taken place on 19th July, 2016. According to the complainant-Sachin Nahar, he and his wife and two children had gone to sleep at 10.00 p.m. on 19th July, 2016; that in the intervening night i.e. on 20th July, 2016, at about 4.00 a.m., his wife – Asha woke up and noticed that the door of the room, where the children were sleeping was open; that she saw that the son was sleeping, however, the daughter was missing and hence they searched the entire house. The complainant has stated that he found that not only his daughter but even his motorcycle was missing. On the very same day at about 7.00 a.m, the complainant's wife received a call on her mobile number demanding Rs.5 crores to release the daughter from their custody, pursuant thereto, the complainant lodged the aforesaid complaint with the Thane Police Station,

alleging the aforesaid offences. During investigation, four accused were arrested and the girl was rescued. It may be noted that the applicant has been identified by the girl, who was kidnapped in the identification parade, which was held on 22nd August, 2016. The girl, aged 11 years, has in her 161 statement as well as the 164 statement, set out in detail the manner in which she was kidnapped by the accused. It is pertinent to note that the statement of the wife of accused no.1 has also been recorded under Section 164 of Code of Criminal Procedure. A perusal of the statement of Pinky Bhagat, shows that she has clearly disclosed the name of the applicant and has stated that the said applicant alongwith others, had kept the girl in their house. There is recovery of knife, at the instance of the applicant. The possibility of the applicant tampering with the witnesses also cannot be ruled out.

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. However, the trial of the applicant is expedited.

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.)