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

CRIMINAL BAIL APPLICATION NO.1001 OF 2019

Shiva Rambabu Bhagat	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Jilajit Sharma, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JULY, 2019

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 120-B, 364A, 385, 379 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the aforesaid case because of the dispute

with regard to the payment of the salary. He further submits that the applicant was working with the complainant for several years and it is highly probable that the victim girl would not have recognized the applicant and named him.

4. Perused the papers. According to the complainant – Sachin Nahar on 20th July, 2016, when his wife woke up at around 4.00 a.m. and peeped into the children's room, she found that her daughter – Diya was missing, pursuant to which, she woke him up and thereafter they started searching for their daughter – Diya. The complainant's TVS Scooty was also found missing. At about 7.00 a.m, the complainant's wife received a call demanding Rs.5 crores for the release of their daughter – Diya, pursuant to which, the aforesaid complaint was lodged. Diya was found in the house of the applicant and so also the complainant's TVS Scooty, which was stolen by the applicant. A mobile phone belonging to the complainant was also recovered from the applicant's house. The statement of the applicant's wife – Pinky also shows that the applicant had brought Diya to their house along with the TVS Scooty. The victim girl i.e. Diya has identified the applicant in the Identification Parade.

5. Considering the material on record as against the applicant i.e. of recovery of TVS Scooty and mobile phone from the applicant; finding of the victim girl in his house; identification parade and the statement of the witnesses, this is not a fit case to enlarge the applicant on bail.

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

7. 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.