

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1081 OF 2018

V/s.

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

DATE : 29th March 2019.

1] This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in connection with C.R. No. 185 of 2018 dated 18/04/2018 registered with Juhu Police Station, Mumbai, for the offence punishable under Section 386, 364(A), 342, 394, 504, 506(II) read with 34 of the Indian Penal Code, Section 3, 25 of the Indian Arms Act and Section 66(e)(b) of the Information Technology Act.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The first information report is lodged by Mr.Rajkumar Tummar, who is a businessman by profession.

It is the prosecution case that, the informant had been to Mumbai for business purpose and was staying at Hotel Maharaja. That on 18/04/2018 at about 2.30 am, he had been to Rami Guest Line, Juhu, Mumbai, for dinner. At that time, the applicant along with co-accused Satya Shinde came at the said place from a Fortuner car having No. 9009. The co-accused Satya Shinde demanded certain amount on interest for his business to which the informant refused. At that time, one young man came at the scene of the offence and handed over one pistol in the hands of Satya Shinde. The co-accused Satya Shinde pointed out the fire-arm at the informant and thereafter, the applicant and Satya Shinde abducted the informant. The informant was taken in a house/premises situated near Sanjay Gandhi National Park and thereafter, it is alleged that, the applicant and the co-accused Satya Shinde assaulted the informant with fists, bamboo stick and belt. It is further alleged that the applicant and the co-accused asked the first informant to remove his belongings and took video shooting of the informant. It is alleged that the applicant along with co-accused robbed

the informant of his valuables amounting to Rs.4,75,000/-. The applicant thereafter demanded Rs.1 crore as ransom. It is specifically alleged that the co-accused Satya Shinde directed the informant to pay the said amount through the applicant and thereafter, when the informant acceded to the said demand, he was released from the unlawful custody.

4] The first information report is self eloquent and the applicant has been attributed with a specific role in the present crime. The informant was abducted at the point of a fire-arm and assaulted by the applicant and the co-accused. Thus, the complicity of the accused persons in the crime is apparently clear.

5] It is to be noted here that the applicant had preferred Criminal Application (APL) No.626 of 2018 in this Court for quashing of the present First Information Report. The Division Bench of this Court by observing the fact that, the applicants therein are having antecedents i.e. five offences registered and three out of them are under serious Sections, such as, Section 307, 326 of the Indian Penal Code and under the provisions of the Arms Act, rejected the said application by holding that, a strong *prima-facie* case was made out against the applicants.

Thus, it is clear that, the applicant is involved in various other crimes of similar nature.

6] In view of the above and after taking into consideration the gravity of the offence and the serious allegations against the applicant, coupled with the fact necessity of custodial interrogation of the applicant to reveal the entire true behind the crime, this Court is of the opinion that the applicant does not deserve to be protected by pre-arrest bail.

7] Application is, accordingly, rejected.

[A.S. GADKARI, J.]