

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1587 OF 2019**

Somnath Sambhaji Pawar] ... Applicant

Versus

The State of Maharashtra] ... Respondent

- Ms. Yogita S. Kuveskar a/w Priyal Sarda, Advocates for the Applicant.
- Mr. Prashant Jadhav,, APP for the State.
- API Pravin Daigade, API Jodhbhavi Police Station, Solapur

CORAM :- SARANG V. KOTWAL, J.

DATE :- 23rd August 2019.

P. C. :-

1. The applicant is seeking his released on bail in connection with C.R. No. 762/2018 registered with Jodhbhavi Peth Police Station, Solapur under sections 365, 364(A), 342, 323 r/w 34 of IPC. The offence was lodged on 15/12/2018 by one Munabai Dhurva. She has stated that on 14/12/2018, the informant along-with her father Prakash and brother Sahunsing

were travelling towards Tuljapur on motor cycle at 3.30 p.m. They were confronted by four persons who had come in Bolero vehicle. Informant's father and brother were forcibly kept in the said vehicle and were taken away. While going, informant's father was telling one of the abductors that he would repay his amount within few days. One of the abductors took away motor cycle of informant's father and informant was left at that place. Subsequently she informed the incident to her mother by calling her telephonically and then came to the Police Station and lodged FIR.

2. Investigation was carried out and charge-sheet is already filed. The learned Counsel for the Applicant states that the other accused are already released on bail and applicant is the only one who is still in custody.

3. I have heard Ld. Counsel Ms. Yogita Kuveskar for the Applicant and Mr. Prashant Jadhav APP for the State. The learned Counsel for the applicant submitted that there is no evidence against present applicant. Applicant was shown to the informant in the Police Station. Thus there is no proper test identification

parade. Informant had stated that victims were taken away in Bolero car and subsequently this story was changed.

4. APP submitted that this is serious offence and therefore bail cannot be granted to the applicant.

5. I have considered these submissions. On perusal of investigation papers in the chargesheet which is annexed to this application, shows that the accused were arrested and were brought to the Police Station. Informant and victims i.e. informant's brother and father were made to identify the accused in the Police Station. Allegedly all of them had identified all the accused in the Police Station. However, this identification can hardly be called as proper identification. No test identification parade was held. Motive was attributed to one Gopal. According to the prosecution case, the said person Gopal abducted him to recover his money. Considering the fact that present applicant is not involved in the offence and was identified in the Police station, I am inclined to grant bail to him. I am also taking into consideration the fact that all other accused are released on bail. Hence the following order.

ORDER

1. The Applicant is directed to be released on bail, in connection with C.R.No. 762/2018 registered at Jodbhavi Peth Police Station, Solapur, on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)