

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

CRIMINAL BAIL APPLICATION NO. 174 OF 2020

Gopal Sahebrao More (Bhill)	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. V. V. Purwant a/w Jay S. Patil i/b Mr. Yogiraj Purwant, Advocate
for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 5th MARCH, 2020

PC :

1. This is an application for bail in C.R. No. 762 of 2018 registered with Jodbhavi Police Station, Dist. Solapur for offences punishable under Section 365, 364(A), 342, 323 r/w Section 34 of Indian Penal Code. The FIR was lodged by the daughter of the victim on 15th December, 2018.

2. The case of the prosecution is that, the victim Prakash Kamarsing Markam had obtained money from the applicant in the sum of Rs. 3 Lacks. The amount was not returned to the applicant/accused. On 14th December, 2018 the victim and his son aged about 16 years were together. Both of them were abducted/kidnapped by the applicant and co-accused. They called the brother of the victim and told him their whereabouts and also stated that the victim would be released on payment of money. The

victim were however released. The information was provided to the police who reached the spot and the accused were apprehended. The applicant was arrested on 17th December, 2018. Investigating is completed and charge-sheet is filed.

3. Learned advocate for the applicant submitted that the alleged incident had occurred on account of financial transactions. There were no intention to cause harm to the victim. No injuries were caused to them. The information about the whereabouts was disclosed to brother of the victim. The victim were released. The object at the most would be to recover amount which was parted by the applicant to the victim.

4. Learned APP submitted that the victim as well as son were abducted/kidnapped by the accused. The involvement of the applicant is apparent. The applicant and the co-accused were instrumental in committing the said crime. There is likelihood of danger to the victim in the event the applicant is granted bail.

5. On perusal of the FIR and the other document which forms part of charge-sheet it is apparent that the incident had occurred on 14th December, 2018. The victim owed money to the applicant, since the amount was not returned, he was allegedly kidnapped/abducted. At the time when the victim was abducted his son was also accompanying him. However, no injuries were caused to both the

victims. The whereabouts were also disclosed to the brother of the victim. Before the Police could apprehend the accused, the victim were released. There are no criminal antecedents against the applicant. The victims are residents of Madhya Pradesh which is apparent from the addresses mentioned in the charge-sheet. The applicant is in custody almost for a period of 1 year 4 months. Bail can be granted to the applicant on certain terms and conditions.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 174 of 2020 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 762 of 2018 registered with Jodbhavi Police Station, Dist. Solapur on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 11.00 am. to 1.00 pm.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)