

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1290 OF 2019

Swapnil Navnath Naiknavare

Applicant

versus

The State of Maharashtra

Respondent

Mr.Chintamani K. Bhangoji for applicant.

Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 23<sup>rd</sup> January 2020

PC :

1. This is an application for bail in CR No.446 of 2018 registered with Malshiras Police Station, District Solapur, for offences under Sections 364A, 120B, 143 of Indian Penal Code. The FIR was registered on 25<sup>th</sup> November 2018. The applicant was arrested on same day.

2. The case of prosecution is that the complainant is a doctor running hospital at Malshiras. The son of complainant was attending tuition classes. The applicant was working as compounder. On 24<sup>th</sup> November 2018 the applicant accompanied the victim to drop him at tuition class. At about 4.15 pm the complainant received call from unknown person demanding ransom of Rs.20 lakh and stating that his son has been kidnapped and he is in their custody. They threatened that harm will be caused to the child in the event amount is not paid. The investigation proceeded. During the course of investigation the accused who had allegedly kidnapped the child were arrested. The applicant was arrested. The case against the

applicant is that he was acting in connivance with other accused who had kidnapped the child and made call for ransom. The child was found safe. The custody was handed over to complainant. The amount was not parted to the accused.

3. The prosecution case is that there is CDR which indicate calls made between applicant and the co-accused who have allegedly kidnapped the child. The charge sheet is filed.

4. Learned counsel for applicant submits tat the applicant has no criminal antecedents. The role assigned to him is that of acting in connivance with the co-accused by handing over custody of the child to them. The co-accused Sitaram Waghmare and Sagar Savant who had allegedly kidnapped the child were arrested and granted bail by the Sessions Court.

5. Learned APP submitted that connivance of the applicant is revealed through CDR. The applicant was in contact with the co-accused. There are calls between them. The applicant took the victim with him and assisted the co-accused in kidnapping him.

6. The persons who had allegedly kidnapped the child are granted bail by Sessions Court vide order dated 19<sup>th</sup> October 2019. Learned Sessions Court while granting bail to them had observed that they are young boys having no antecedents. There is no danger to the life of kidnapped child. The accused are not habitual offenders. There are no criminal antecedents against applicant. In the light of aforesaid factual aspects, bail can be granted to the applicant. Hence, I pass following order :

**ORDER**

- (i) Criminal Bail Application No.1290 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.446 of 2019 registered with Malshiras Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Malshiras Police Station once in a month on every first Saturday between 10 am and 12 noon till further orders;
- (iv) The applicant shall attend Trial Court proceedings regularly unless exempted by the Trial Court for some reason;
- (v) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST