

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3569 OF 2019

Rahul Jagan Awasarmol .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Aniket Nikam i/b Mr. Vivek Arote for the Applicant.

Ms. M.M. Deshmukh, A.P.P. for the State.

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CORAM: SMT. BHARATI DANGRE, J.

DATED : 01ST DECEMBER, 2020.

P.C:-

1. The Applicant is charge-sheeted for the offences punishable under Sections 363, 364A, 384, 385 read with Section 34 of the IPC along with five other accused persons. On filing of the charge-sheet, the case is registered as RCC Case No.728 of 2019. On 15/05/2019, the Applicant came to be arrested in the said CR registered with Pimpri Police Station.

2. Mr. Nikam, learned counsel for the Applicant has placed heavy reliance on the orders passed in the cases of two accused persons being Siddharth Parshuram Bhure and Ganesh Eknath

Mole, who have been released on bail with certain *prima facie* findings being recorded. He submits that the role attributed to the present Applicant is on similar lines as the co-accused and since while passing the order in case of Siddharth Bhure, this court has *prima facie* observed that there were transactions between co-accused and the victim and there were no threats given to the complainant or his relatives, he is entitled to be released on bail. The present Application, therefore, will have to be considered in the backdrop of the said two orders since the Applicant claims parity with the two co-accused.

3. The complaint is lodged by the wife of one Yadnyesh Tilwa, who is the victim and, the Complainant in the complaint lodged by her, has referred to the narration given by her husband Yadnyesh. It is stated in the complaint that on the night of 14/05/2019, her husband Yadnyesh called her and is reported to have stated that he was in the company of Dilip (A-1) and he was having dinner and he would be delayed. On the next day, when she attempted to call him on his phone, the phone was switched off. Her brother-in-law informed her that the earlier night, Yadnyesh was talking on phone and he had sought some help and this was informed to him by one Mahip Tripathi. The brother-in-law informed that he was kidnapped by three to four persons in their Toyota Etios, the description of which was given by the Complainant and some calls were made seeking ransom of Rs.10 lakhs and, in furtherance of which, an amount of

Rs.50,000/- and Rs.2,00,000/- were deposited in Canara Bank which during the course of investigation is found to be belonging to A-1. On 15/05/2019, Yadnyesh returned back. His statement came to be recorded on the very same day which is included in the charge-sheet. He has stated that while he had gone to the hospital on account of some emergency, a Toyota Etios arrived at the spot and Dilip and his brother Rahul, the present Applicant forced him to sit in the car. It is alleged by him that his phone was snatched away by Dilip and he was assaulted by the present Applicant and his brother and demand of money was made. He has further stated that when he called his brother, the amount of Rs.2,00,000/- and Rs.50,000/- came be transferred online in the account of Dilip. It is also alleged that, in total, an amount of Rs.3,94,000/- came to be withdrawn. The victim Yadnyesh was referred for medico-legal examination on 16/05/2019 and the certificate referred to one contusion over left forearm and left eye and multiple scratches around the neck. In the wake of the said allegation levelled in the FIR, crime came to be registered implicating the present Applicant as one of the accused.

4. On completion of investigation, charge-sheet has been filed against the present Applicant. In the order dated 05/03/2020 passed in Criminal Bail Application No.3446 of 2019 His Lordship Mr. Justice Prakash D. Naik has recorded the following:

“5. I have perused the statement of witnesses, complainant and victim. It is apparent that there were transactions between the co-accused and the victim. Accused was demanded money. The applicant had no conversation with the co-accused or his relatives. He was accompanying the co-accused in the vehicle as driver of the vehicle. He has not given any threats to complainant or relatives and there is nothing to infer that he was conspirator to commit the offence. The applicant is in custody from the date of arrest. There are no criminal antecedents against him. Hence, case for grant of bail is made out.”

5. Relying on the said order, Ganesh Eknath Mole has also been released on bail and comparing the roles played by the respective Applicants in the said CR., Sddharth Bhure was alleged to have driving the vehicle to Jalgaon whereas Ganesh Mole is said to have accompanying the victim in the said vehicle. The statement of the victim is to the effect that the Applicant was accompanying his brother Dilip, who has forced him to board the vehicle. The investigation further reveals that the entire amount, as per the version of the Complainant, has been banked into the account of his brother. Cash amount which is to the tune of Rs.43,650/- has also been recovered from the Applicant and whether this is the withdrawn amount and the connection of the said amount to the ransom amount is a matter of trial.

6. The Applicant is incarcerated since long. In the backdrop

of the role attributed to him in the charge-sheet and the fact that no ransom amount has been transferred to him, as per the allegation of the prosecution, the Applicant is held entitled to be released on bail subject to the stipulation that he will attend the trial proceedings on each and every date and would not make any attempt to tamper with the prosecution evidence in any manner. Hence, the following order:

ORDER

- (a) The Applicant – Rahul Jagan Awasarmol, shall be released on bail in C.R. No.626 of 2019 registered with Pimpri Police Station, District Pune on executing P.R. bond to the extent of Rs.50,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall co-operate and attend the trial regularly unless exempted by the Trial Court.
- (d) The Applicant shall provide his residential

address and telephone number to the
Investigating Officer.

7. The Application is allowed in the aforestated terms.

8. All parties are directed to act on the downloaded copy of
the order supplied by the Advocate under his seal and signature.

SMT. BHARATI DANGRE, J.