

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.16 OF 2021

Kailash S/o Manik Gujar
Age 36 years, Occ : Service
R/o Police Colony,
Ashti, Tal. Ashti
Dist.Beed.

.. APPLICANT
[ORIG.ACCUSED]

VERSUS

- 1] The State of Maharashtra
Through Police Inspector
Neknoor Police Station
Beed.
- 2] The Superintendent of Police
Beed, Tq. & Dist.Beed.

.. RESPONDENTS

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Shri N.L.Jadhav, Advocate for applicant
Shri V.M.Kagne, A.P.P. for respondents

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CORAM : MANGESH S. PATIL, J.
DATE : 10.02.2021

PC. :-

The applicant who is a suspended Police Officer is seeking bail under Section 438 of the Cr.PC. apprehending that he would be arrested in connection with Crime No.156/2020 registered with Neknoor Police Station, Dist.Beed for the offences punishable under Sections 395, 364(A), 347, 384, 324, 323, 389, 120(B) of I.P.C.

2] Stated in brief, the allegations are to the effect that the informant runs a brick kiln. Under the pretext of purchasing bricks from him, he was called to a place wherefrom a lady requested him to take her initially to Patoda and then to Ashti. Another lady was present with few other co-accused. They forcibly made him lie on her and his photographs were snapped in an objectionable position. Under the pretext of circulating those photographs he was black mailed and ransom was demanded. It is alleged that all the accused including the applicant had hatched a conspiracy and systematically tried to extort money from the informant.

3] The learned advocate for the applicant would submit that the applicant is a Police Officer and is being falsely roped in. Though his name appears in the F.I.R., there is every room to believe that even the informant has not been honestly disclosing all the relevant facts and circumstances. He would point out that there is a record to reveal that he was knowing the accused persons and still is conveniently feigning ignorance. The learned advocate would also submit that going by the allegations, when the charge sheet has already been filed consequent upon completion of the investigation, his custodial interrogation is not necessary.

4] The learned advocate would then submit that though there is a Crime No.390/2019 registered against him, it is only subsequently that he was arraigned therein. He therefore, seeks bail in the event of his arrest.

5] The learned A.P.P. submits that there is a concrete material to reveal that it is indeed a matter of conspiracy. All the accused were constantly in touch

on telephone as has been revealed from the Call Data Record collected by the Investigating Officer. Number of calls have been exchanged between the applicant and the other accused persons during the relevant period. He would further submit that a colleague of the applicant in the police department Mr.Rathod has also corroborated the prosecution version about the applicant having made him to sit in a black Scorpio. Even there is a statement of one more person who at the material time was made to travel in that vehicle by name Mangesh Bhalerao who is the Sarpanch who has also corroborated the prosecution version. The learned A.P.P. would then submit that the applicant has already been implicated in a similar crime wherein present co-accused Savita Vaidya is also an accused. It is a case of extortion. He would submit that inspite of being a Police Officer, the applicant has been absconding for more than 6-8 months. He has already been suspended. His custodial interrogation is necessary since it is a matter of deep rooted conspiracy.

6] I have carefully gone through the papers. Though there is some material to draw an inference that even the informant is not sincerely disclosing the true state of affairs, there is enough material to corroborate his version about he was abducted for ransom. The following would be those circumstances :

i] There is a Call Data Record showing that the applicant has been in touch with the co-accused during the relevant period i.e. 23/7/2020 to 27/7/2020.

ii] There is a statement of Police Constable Rathod and witness Mangesh Bhalerao about the applicant having asked them to travel in his vehicle under some pretext.

[iii] There is a statement of lodge owner Rajendra Kale from

Ashti stating that the co-accused and applicant had hired a room and had met there on or about the date of incident.

[iv] The applicant is involved in similar crime earlier, wherein co-accused Savita Vaidya is also a co-accused with him.

7] These circumstances are sufficient enough to *prima facie* draw an inference that the applicant indeed has been a member of a cartel which has hatched a conspiracy wherein the informant was abducted, wrongfully confined and from whom a ransom was demanded. Considering these facts and circumstances, the applicant is not entitled to anticipatory bail.

8] The application is rejected.

[MANGESH S. PATIL, J.]

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