

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.576 OF 2021**

Anil Pursoram More .. Applicant
Versus
State of Maharashtra .. Respondent

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Mr.Sunil Pandey for the Applicant.
Mrs.J.S.Lohokare, APP for the State.

Investigating Officer, PSI Mr.N.K.Ghadge attached to Mahim Police Station present.

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**CORAM: BHARATI DANGRE, J.
DATED : 14th SEPTEMBER, 2021**

P.C:-

1. The Applicant is charged in C.R.No.256 of 2019, which invoke the provisions of Sections 170, 341, 364-A, 365, 384, 394, 395, 506 read with Section 34 of the Indian Penal Code (for short, “IPC”). The Applicant came to be arrested on 02/08/2019 and since then he remained incarcerated.

The counsel for the Applicant placed heavy reliance on the order passed by this Court in case of Suhas Sharad Kanade Vs. State of Maharashtra & Anr. (Criminal Bail Application No.757 of 2020) on 30/09/2020 whereby the co-accused is released on bail, on appreciating the material contained in the charge-sheet.

2. The complaint is lodged at the instance of the complainant on 31/07/2019 in relation to an incident, which took place on 26/07/2019. The delay has been explained by stating that since he was scared, he did not report immediately to the police station.

3. The complainant has alleged that on 26/07/2019, when he was proceeding to his office in his Inova Car alongwith his driver Akshay, three unknown persons in a Wagon-R, stopped his vehicle and they posed themselves as the officials of the Crime Branch. It is alleged that the driver was asked to step out of the car and one of the accused persons, sat on the driver seat. The allegation is that the accused persons drove him to an isolated place outside of the city and demanded a ransom by making a phone call to his driver. It is alleged that initially the demand made was of Rs.Two Crores, which was negotiated and brought down to Rs.Fifty Lakhs. The allegation is that one of the accused persons, removed an amount of Rs.2,00,000/- from the dashboard of the Car and on a phone call being made to Akshay, he brought an amount of Rs.10,00,000/-. It is further alleged that the jewellery on the person of the complainant was removed and the total amount mentioned in the FIR is Rs.16,15,000/-, which included a mobile phone.

In the supplementary statement of the complainant, recorded on 04/08/2019, he has enhanced the said amount and offered an explanation by stating that since he was apprehensive that there will be an objection from the Income Tax Department, so he did not reveal the real figure.

4. The investigating machinery was set into motion on the complaint filed. The present Applicant came to be arrested on 02/08/2019, which led to discovery of an amount of Rs.75,000/- by a panchanama drawn on 05/08/2019. The Applicant was also subjected to the TI parade on 30/10/2019 and the complainant as well as his driver, Akshay has identified him to be the one, who was present in the Inova Car, which was driven to an isolated place, where the ransom was demanded.

5. The investigation is complete and the charge-sheet is already filed. When the learned APP is specifically asked as to on what basis, the prosecution claims that amount of Rs.75,000/- forms a part of the booty which has been paid by way of ransom, no explanation is coming forward. In fact, the cash amount alleged to have been paid by the complainant is only Rs.10,00,000/- brought by Akshay and Rs.2,00,000/- recovered from the dashboard of the car. The remaining amount which is mentioned in the FIR is the value of the golden ornaments and the mobile phone. In these circumstances, the recovery of cash amount of Rs.75,000/-, *prima facie*, cannot be an incriminating circumstance unless it is proved that the ornaments of the complainant were converted into cash, which the prosecution has not established in the charge-sheet. As far as the TI parade is concerned, it is conducted at belated stage and the effect of delay in conducting the TI parade will have to be dealt with at the time of trial.

6. In the wake of the accusations levelled in the charge-sheet and specifically when the co-accused Suhas is released on bail, I see no reason why the Applicant shall remain incarcerated further. It is also informed by the learned APP that there are no criminal antecedents to the credit of the Applicant. Hence, the following order.

: **ORDER** :

- (a) The application is allowed.
- (b) Applicant - Anil Pursoram More shall be released on bail in C.R.No.256 of 2019 registered with Mahim Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The Applicant shall mark his attendance in the concerned police station on first Monday of every month between 10.00 a.m. to 2.00 p.m. till framing of charge.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

(**SMT. BHARATI DANGRE, J.**)