

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO. 69/2021
(Arvind s/o Laxman Sabale vs. State of Maharashtra :Th.PSO PS
Awdhutwadi Dist. Yavatmal)

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 Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

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 Mr. M.P. Kariya, Advocate for the applicant
 Ms.Nivedita Mehta, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 22nd February, 2021

1. The applicant has filed the present Application under Section 439 of the Cr.P.C. seeking regular bail, for offence punishable u/ss. 364(A), 342, 347, 212, 201, 120(B) read with Section 34 of the Indian Penal Code as well as Sections 8,12 and 17 of the Protection of Children from Sexual Offence Act, 2012 and Section 66(C)(D) of Information Technology Act, 2005, registered at Police Station Awdhutwadi, Dist. Yavatmal, in respect of Crime No. 901/2019.

2. I have heard learned counsel for the respective parties. Perused the case papers.

3. The prosecution case in brief is that the son of the informant, aged about 17 years, was kidnapped from his tuition class. A report came to be lodged against some unknown persons. The informant was sent a video-clip showing his son son with the accused persons. A ransom of Rs. 50 lakhs was demanded from the informant by the accused persons.

4. Learned Advocate for the applicant vociferously contended that so far as the role of the present applicant is

concerned, the applicant along with other accused, namely, Satish had come on a Pulsar motorcycle and it is alleged that they have kidnapped the son of the informant. It is submitted that co-accused Satish has been released on bail by this Court and, as such, on the ground of parity, the applicant is seeking bail.

5. Learned APP opposed the Application contending that the present applicant was identified in the test identification parade.

6. After hearing both the sides and on a perusal of the case-papers and the reply filed by the prosecution and considering the nature of offence and also the fact that co-accused Satish has already been released on bail, who was attributed the similar role like the role of the present applicant, I am of the opinion that no purpose would be served by keeping him behind the bars. Hence the order :-

ORDER:

The applicant- Arvind Laxman Sabale, be released on bail for offence punishable u/ss. 364(A), 342, 347, 212, 201, 120(B) read with Section 34 of the Indian Penal Code as well as Sections 8,12 and 17 of the Protection of Children from Sexual Offence Act, 2012 and Section 66(C)(D) of Information Technology Act, 2005, registered at Police Station Awdhutwadi, Dist. Yavatmal, in respect of Crime No. 901/2019, on his executing a PR bond in the sum of Rs. 25,000/- (rupees twenty five thousand) with one or two solvent sureties in the like amount, on the following conditions :-

- (i) He shall attend the concerned Police Station, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till the trial commences.
- (ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.
- (iii) He shall not tamper with the prosecution witnesses in any manner.
- (iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

CRI.APPP:156/2021.

In view of disposal of main Application, this Application does not survive. The same is disposed of.

JUDGE

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