

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 191 of 2021

(Ankit S/o Radheshyam Biranwar ..vs.. State of Maharashtra through P.S.O., Ram Nagar,
Dist. Gondia)

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

Court's or Judge's orders

Mr. S. S. Dhengale, Advocate for the applicant
Mr. N. R. Rode, APP for the non-applicant/State

CORAM : ROHIT B. DEO, J.

DATED : 03-08-2021

The applicant is seeking bail in connection with Crime 399/2019 registered with Ram Nagar Police Station, Gondia for the offences punishable under Sections 302, 201, 364(A) and 120-B of the Indian Penal Code.

2. The allegation is that the applicant is the mastermind of a conspiracy to kidnap for ransom Mr. Saurabh Katare, who was a young man, aged 20 years and a close relative.

3. The applicant summoned Mr. Saurabh Katare telephonically at MIET College, Kudwa, one of the accomplices of the applicant injured Mr. Saurabh by

assaulting him on the head with a beer bottle, since Mr. Saurabh resisted an attempt to forcibly make him to board the Ford Aspire car bearing registration number MH-35-AT-0988. The injured was then taken in the car and ultimately, since the applicant and the co-conspirators perceived that he may not survive the initial assault, he was brutally killed by wrapping cello tape on the mouth and nose and his body was thrown in the Bagh River, Mundipar.

4. It would not be appropriate to consider the material on record minutely, for the purpose of considering the entitlement to bail. However, since brief reasons will have to be indicated, it is noted that there is more than ample material on record to *prima facie* implicate the applicant in the crime.

5. The circumstances which the prosecution is pressing in service, are *prima facie*, substantiated by the statements of the witnesses. The call record which show several calls made by the applicant to the deceased Mr. Saurabh are *prima facie* indicative of the role played

in summoning the deceased to the pre-decided spot from where the deceased was kidnapped. The statements of witnesses are recorded under Section 164 of the Code of Criminal Procedure, 1973. The statement of witness Mr. 'A' *prima facie* establishes the presence of the applicant along with co-conspirators in the vehicle in question in which the deceased was kidnapped and then brutally done to death.

6. Considering that the applicant is accused of having hatched a conspiracy to kidnap his close relative for ransom and then of having killed him, I am not inclined to grant bail.

7. The application is dismissed.

JUDGE

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