

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

**CRIMINAL APPLICATION (BA) 828 OF 2021**

(Rakesh Gautam Telang..vs..State, thr PSO, Ramnagar, Chandrapur, Tq. Dist. Chandrapur)

-----  
*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

-----  
Mr. R.L. Alone, counsel for applicant.  
Mrs. K.R. Deshpande, APP for non-applicant /State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 27.09.2021.**

Heard.

2. The applicant is seeking bail in connection with Crime 1327/2019, registered with Police Station, Ramnagar, Chandrapur, for offences punishable under sections 302, 364, 364-A, 384, 386, 143, 147, 148, 149, 504, 506, 120-b of Indian Penal Code and sections 3, 25-b of Indian Arms Act.

3. The investigation is complete and the chargesheet is filed. The applicant is in custody since 8.12.2019.

4. The submission of the learned counsel is that

considering the role which is attributed to the applicant, it would be difficult even to record a prima facie finding that the applicant was a participant in conspiracy to murder Mr. Shahbaz Sheikh. The learned counsel would further submit that considering that the applicant has no criminal antecedents, and is not a flight risk, further detention shall only be a pre-trial punishment.

5. The report is lodged by Mrs. Rubina Sheikh, on 19.10.2019, at the Ramnagar Police Station, Chandrapur. The substratum of the report is that her husband was kidnapped by Sonusingh, Budhasingh and their associates on 18.10.2019 and ransom of Rs. 1 lac was demanded for his release. The role attributed to the applicant is that he took the informant on his motorcycle to the spot of the incident and then dropped the informant and her husband, who later died due to the injuries suffered when he was assaulted by the kidnappers, at the informant's sister's house. The learned APP Mrs. K.R. Deshpande points out that the applicant is identified by the informant in the test identification parade. A further statement is made by

Mrs. K.R. Deshpande that the Investigating Agency is in the process of collecting the Call Detail Record which may possibly show that the applicant and the co-accused were in touch. At least at this stage, other than the statement of the informant that it was the applicant, who took her to the spot of the incident and then dropped her and her injured husband back at her sister's house, there does not appear to be any cogent material to suggest that the applicant is a co-conspirator in the alleged conspiracy to murder Mr. Shahbaz Sheikh.

6. Considering that the applicant has no criminal antecedents, I am not inclined to continue the incarceration.

7. This Application is allowed.

9. The applicant be released on bail in connection with Crime 1327/2019, registered with Police Station, Ramnagar, Chandrapur, for offences punishable under sections 302, 364, 364-A, 384, 386, 143, 147, 148, 149, 504, 506, 120-B of Indian Penal Code and sections 3, 25-b

of Indian Arms Act, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

10. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

11. The applicant shall not leave the country without the permission of the trial Court.

**Judge**

Belkhede