

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

925 BAIL APPLICATION NO.1502 OF 2021

1. Dnyaneshwar s/o Vithal Sarode
Age: 22 years, Occu.: Agricultural,
R/o. Muggoan, Tq.Patoda, Dist.Beed.
2. Sachin s/o. Sanjay Shinde
Age: 21 years, Occu.: Agricultural,
R/o.Sautada, Tq.Patoda, Dist.Beed. .Applicants

VERSUS

- . The State of Maharashtra
through the Police Station Officer,
Jamkhed Police Station,
Tq.Jamkhed, Dist.Ahmednagar. ..Respondent

...
Advocate for Applicants : Shri Vithal M. Chate
APP for Respondent : Shri V.S.Badakh
...

CORAM : M.G.SEWLIKAR, J.

DATE: 7th January, 2022

PER COURT :-

1. Heard.
2. Case of the prosecution is that two unknown persons abducted the informant at 01:00 a.m. in the night. They muffled the face of the informant by a black handkerchief. They put the informant in Indica Car bearing registration No.MH-12 FK-3897. Accused Yogesh Shinde is the tenant of the informant. Yogesh Shinde and these two unknown persons i.e. applicants were

discussing about the amount of Rs.10,00,000/- to be demanded as ransom from the mother of the informant. The informant some how released himself and jumped out of the Car. Informant started screaming and hearing those screams, neighbours came out. Thereafter, accused Yogesh Shinde and other accused ran away. On these allegations, Crime No.0383 of 2021 for the offence punishable under Sections 364-A, 452, 323, 506, 511 read with Section 34 of the Indian Penal Code came to be registered with the Jamkhed Police Station, Dist.Ahmednagar, against the applicants.

3. Shri V.M.Chate, learned counsel for the applicants submits that in order to invoke Section 364-A of the Indian Penal Code, there has to be detention of the person kidnapped, the demand of ransom has to be communicated to someone. In the case at hand, demand was not communicated to anyone. He, therefore, seeks release of the applicants.

4. Shri V.S.Badakh, learned APP for the respondent submits that offence is serious in nature. Applicants were the persons who abducted the informant. Hence, they cannot be released on bail.

5. From the tenor of the FIR, it can be gauged that ransom was not communicated to anyone. Tenor of the FIR shows that there was only abduction. Therefore, offence under Section 364A of the Indian Penal Code is not made out. Charge-sheet is filed. Therefore, detention of the applicants behind the bars is no longer needed. Having regard to the allegations made in the FIR, I am inclined to release the applicants on bail. Hence, the order.

ORDER

- i) Bail Application No.1502 of 2021 is allowed.
- ii) Each of the Applicants be released on P.R.Bond of Rs.15,000/- (Rs.Fifteen Thousand only) with one solvent surety in the like amount, in connection with Crime No.0383 of 2021, registered with Jamkhed Police Station, District Ahmednagar, under Sections 364-A, 452, 323, 506, 511 read with Section 34 of the Indian Penal Code, and on condition that they shall not tamper the prosecution evidence.
- iii) Bail Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**(M.G.SEWLIKAR)
JUDGE**