

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1767 OF 2022

Laxman Kisan Chavan
Age 28 yrs, Occu – Education,
R/o- Lahu @ Lavhe,
Tal.-Mdha, Dist.Solapur,
At present Latur District Prison ...Applicant.

Versus

The State of Maharashtra
(Through Valsang Police Station,
Dist.-Solapur vide C.R.No.561/2021) ...Respondents.
Respondent.

...

Mr Priyal G.Sarda, Advocate for the Applicant.

Mr M.G.Pati, APP for the State.

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CORAM : R. N. LADDHA, J.

DATE : 7 DECEMBER 2022.

P.C.:

By this application, the Applicant is seeking bail in connection with C.R.No.567 of 2021 registered at Valsang Police Station, Solapur, against the Applicant for the offences punishable under Sections 363, 364(A), 120(B), r/w Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 30.12.2021 at about 6.30 a.m., the victim boy had left the house for his School but did not return to home after school hours. On enquiry, the first informant came to know that unknown persons had kidnapped the victim boy. Accordingly, the first informant lodged the FIR. During the investigation, the complicity of the Applicant was revealed. Therefore, he was arrested on 02.01.2022 and since then, he has been behind bars.

3. Mr Priyal Sarda, learned Counsel appearing on behalf of the Applicant, submitted that the Applicant has been languishing in jail for about 11 months. It is submitted that no material is placed on record to link the Applicant with the co-accused persons. It is submitted that the Applicant has no criminal antecedents. It is submitted that as the co-accused named the Applicant, he was roped into this crime.

4. Mr M.G.Patil, learned Additional Public Prosecutor appearing for the State, submitted that the offence was committed in well-planned design by the accused. The offence is serious. It is submitted that the Applicant was actively involved in the offence that led to the registration of the FIR against the accused persons.

5. This Court has perused the copy of the charge sheet filed along with the accompanying documents. The applicant has remained behind bars for about 11 months. It reveals from the record that in the Test Identification Parade, the mother and the Aunt of the victim had not identified the Applicant. FIR was

lodged against unknown persons. There is nothing on record to show that the Applicant has criminal antecedents. The investigation is already completed, and the charge sheet has been filed. Considering the nature of the accusations and material collected against the Applicant, a case of bail is made out.

6. In view of the above, the application is allowed in the following terms :

- a) The Applicant Laxman Kisan Chavan be released on bail in connection with C.R.No.567 of 2021 registered at Valsang Police Station, Distrcit-Solapur, on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.
- b) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- c) The Applicant shall furnish the permanent address and contact details to the Inspector of Police, Valsang Police Station and intimate the change, if any.
- d) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

7. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]