

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 195 of 2022

Ajay Radheshyam Mishra .. Applicant
Versus
The State of Maharashtra .. Respondent

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Ms. Kajal Singh for the applicant.
Mrs. Anamika Malhotra, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 22nd SEPTEMBER, 2022

P.C:-

1 The applicant came to be arrested in connection with C.R.No.674/2021 registered with Samata Nagar police station, Kandivali on 25/9/2021. On completion of investigation of the subject C.R, charge-sheet has been filed against four accused, the present applicant being charge-sheeted as accused no.4 for the offence punishable u/s. 323, 341, 342, 365, 504, 506, 120-B, 364, 364A, r/w 34 of IPC.

2 Heard learned counsel for the applicant and learned APP for the State and with their assistance, I have perused the entire charge-sheet.

Perusal of the charge-sheet which compile the material in respect of the incident which occurred on 23/9/2021, reveal that the four main accused along with one wanted accused,

abducting one Anil Kumar Girishankar Mishra by hatching a conspiracy of kidnapping and extorting money from him. In order to give effect to the said conspiracy, when the victim/complainant was proceeding towards his house, accused nos.1, 2 and 3 and the wanted accused chased him and when the car reached at Chitra Beauty Parlour, C.P. Road, Kandivli, the accused no.3 is alleged to have given a dash to his car and involved him in a verbal altercation.

The material in the charge-sheet reflect that thereafter the accused persons who were present at the spot forcibly pushed him in the rear side of the car and he was kidnapped and threatened that he shall not be released unless the amount is paid.

It is not however the case of the prosecution that any amount was paid pursuant to the said demand.

As far as the present applicant i.e. accused no.4 is concerned, he is accused to be the mastermind in the whole controversy and the motive is attributed to him in the charge-sheet, by stating that some amount was due and payable from him, and hence, he hatched the conspiracy along with accused no.2 and in furtherance, he shared the photographs of the victim along with the details of his car on the Whatsapp chat.

On arrest, the mobile phone of the accused persons came to be seized and it has reflected that image of the victim himself and his car were shared with Shaileshkumar and Vijayraj,

co-accused from time to time. Forensic report to that effect has also been obtained and compiled in the charge-sheet.

Charge-sheet thus reveal that the applicant is not charged for being a participant in the incident of kidnapping, but he is alleged of hatching a conspiracy to give effect of kidnapping and the material to that effect is already compiled in the charge-sheet.

5 Counsel for the applicant states that all the arrested accused are released on bail. As far as the present applicant is concerned, since the charge against him has been crystallized from the material compiled in the charge-sheet, his further incarceration is unnecessary, when he has no antecedents and the prosecution do not express any flight risk, he therefore, deserve his release on bail, subject to the following conditions. Hence, the following order :-

ORDER

- (a) The Applicant – Ajay Radheshyam Mishra in connection with C.R.No.674/2021 registered with Samaa Nagar Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- with one or two sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The applicant shall mark his attendance on first Thursday of every trimester between 3.00 pm to 5.00 pm, and he shall attend the trial on regular basis.
- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)