

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3067 OF 2021**

Sagarkumar Vijaykumar Singh .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Santosh B. Bhatagunaki for the Applicant.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

API Sandip Patil attached to Nerul Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 08th SEPTEMBER, 2022

P.C:-

1. The applicant is charge-sheeted as accused No.4 in C.R.No.372 of 2020 registered with Nerul Police Station for the offences punishable under Section 364A, 323, 324, 143, 144, 149 read with Section 34 of the Indian Penal Code. He came to be arrested on 30/12/2020 and since then remained incarcerated.

He seeks his release on bail, by claiming parity with one Samarraj Nayak Prasad, accused No.3, who was released on bail by this Court on 23/08/2022.

2. With the able assistance of the learned counsel for the applicant and the learned A.P.P., I have perused the material compiled in the charge-sheet and the order passed in case of accused-Samarraj Nayak Prasad on 23/08/2022 in Bail Application No.1620 of 2022.

3. The case of the prosecution is, one Karajsingh Kalasingh was kidnapped and assaulted. The accused persons are said to have kidnapped him by hatching a conspiracy and when the statement of the victim, recorded on 31/12/2020, is carefully read, it can be seen that he alongwith co-accused Vishwas @ Vivek Gholap induced young boys to part with money by assuring that their services would be engaged on a ship. Several boys, who were desirous of availing the said opportunity to work on ship, which would have ensured good returns, invested their amount. However, despite the amount being collected, the boys were not sent on the ship though they were asked to report to Tuticorin, from where the ship was to sail. This probably irked the persons, who had invested their hard earned money and a conspiracy is alleged to have been hatched conspiracy to kidnap the applicant. On perusal of the statement of the victim it is apparent that, the applicant is also one of the persons, who was present alongwith Onkar and the

victim states that he had seen the present applicant before and he slapped him. When he inquired, the response received was that he should return his money. He was, thereafter, made to sit in rickshaw and some of the boys, who were present, took him to the precincts of Air India Colony and even there, he was assaulted by six to seven persons. Then he was made to sit in Ola cab and two persons accompanied him. It is alleged that he was brutally assaulted on the farmhouse, where he was taken and some amount was demanded.

4. Considering the nature of accusations faced by the applicant and the fact that the co-accused has been released on bail, I see no reasons why the benefit of the said order should not be extended to the present applicant, who is aged 22 years, where the following observations were made :-

“6] Considering the nature of incident faced by the Applicant and accordingly, the information was given by the victim himself that he had promised employment to certain persons on the ship, but the said promise was not fulfilled, prima facie it appears that the boys who were cheated, hatched a conspiracy and accordingly kidnapped the victim.

In any case no ransom was paid. The amount of Rs.16,000/- has not credited in the account of Applicant. The accusations against the present Applicant have been crystalized in the form of charge-sheet.”

5. Considering the age of the applicant as 22 years and his incarceration since December, 2020, with no apprehension that he will not be available for trial and having no antecedents to his credit, he deserves to be released on bail.

The observations made above are, *prima facie*, in nature and limited for the purpose of determination of the present application and the learned Judge trying the applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant – Sagarkumar Vijaykumar Singh shall be released on bail in connection with C.R.No.372 of 2020 registered with Nerul Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

The applicant shall be released on cash bail of Rs.25,000/- for a period of four weeks in lieu of the sureties. During the said period, the applicant shall arrange for the sureties.

(c) The applicant shall report to the concerned police station on every Tuesday between 10.00 a.m. to 12.00 noon till framing of charge.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)