

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3580 OF 2021

Narendra Eknath Nikam	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Aniket Nikam a/w Amit Icham for the Applicant.

Mr.S.V. Gavand, APP for the State

CORAM : BHARATI DANGRE, J

DATE : 29th AUGUST, 2022.

P.C.

1] The Applicant came to be arrested from the spot of the incident which was reported by the complainant, which resulted in registration of CR No.63/2021 registered with Kasara Police Station. The subject CR invoke, offences under Section 394, 364A, 365, 384, 385, 386, 387, 394 of the Indian Penal Code.

On completion of investigation four persons are charge-sheeted and the applicant is arraigned as accused No.2.

2] Perusal of the complaint would reveal that when the complainant was travelling from Nashik to Shahapur for his work and while he was enroute to his home in the evening, at around 10.30 p.m. the driver parked the car near the petrol pump and went to attend the nature's call. At that time two unknown persons entered his car, one of whom

sat next to him and another person took to the wheels and started driving the car towards Nashik.

The applicant was startled and after gathering courage when he asked them who are they, they responded that they are persons from Department and he was asked to keep quiet. At some distance two other persons stepped into the car. They made a demand of Rs.10 Lakh. When he told that he has cash amount of Rs.50,000/ in the dash board, the amount was taken out and again the demand was reiterated. The complainant responded by stating that he shall pay the amount of Rs.5 Lakh by fetching the same from his relatives and from the conversation the complainant gathered that the four persons were Mahesh @ Sonu Naresh Bhagvane, Mahesh Madhukar Vyavhare, Vijay Rajesh Chandile and Narendra Eknath Nikam. After some time a police vehicle intercepted them and all the four persons were apprehended on the spot. An amount of Rs.50,000/- was recovered from the co-accused.

3] The presence of the Applicant at the spot is apparent since he was apprehended immediately on the commission of offence. The material compiled in the charge-sheet reflect his presence and the statement of the complainant prima-facie point out to his indictment for the offence which he is charged. However, since the Applicant is a young boy, aged 22 years, and it is reported that there are no antecedents and when it is not the case of the prosecution that he would not be available for trial, he cannot be kept incarcerated pending the trial, as charge is not framed till date.

4] 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.

5] In the wake of above, following order is passed :

ORDER

(a) Application is allowed.

(b) Applicant – Narendra Eknath Nikam shall be released on bail in connection with C.R.No.63/2021 registered at Kasara Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.

(c) The applicant shall report to the concerned Police Station on first Monday of every month 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 facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall regularly attend trial, on every date, unless exempted.

[BHARATI DANGRE, J]