

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3668 OF 2021

Mr.Mohit Hemant Vedhpathak ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Irfan A. Shaikh for the Applicant.
Ms.M.R. Tidke, APP for the Respondent –State.

CORAM : C.V. BHADANG, J.

DATE : 20 JANUARY 2022
(Through Video Conferencing)

NILAM
SANTOSH
KAMBLE

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NILAM SANTOSH
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P.C.

. By this Application, the Applicant-Accused No.1 is seeking bail. The Applicant along with co-accused is facing prosecution for the offence punishable under Section 364A, 384, 324, 506 read with Section 34 of the Indian Penal Code.

2. The prosecution case as disclosed from the complaint lodged by the informant Gajanan Ramakant Kawtikwar is that on 10 May 2021 at about 9.30 p.m. he met the present Applicant with whom he was acquainted. At about 10.00 a.m. the Applicant along with the informant Gajanan went to the office of the informant. It is the material case that in the office of the informant the present Applicant assaulted the informant and took

him in a I-20 Car bearing No.MH26BQ3650 of the informant which was being driven by the co-accused Bunty. There were two other two unidentified persons in the car.

3. In short according to the informant he was abducted and kept in a tent in a field and was assaulted and was asked to contact his father and the colleague Ms.Sangeeta Chavan making a demand of Rs.15 lakhs by way of ransom. On 11 May 2021 at about 1.30 p.m. the informant contacted Sangeeta Chavan and informed her about the demand.

4. The first informant made an attempt to arrange for money from his acquaintance which did not materialize. Hence, on 12 May 2021 at about 10 p.m. the Applicant and the co-accused are alleged to have intimated the first informant that he can go and then arrange for money. Accordingly, the first informant was taken in a car till the Aude showroom after which the informant drove his car till his house and thereafter lodged the complaint, on the basis of which an offence came to be registered with Chatrusrunji Police Station, Pune as Crime No.235 of 2021. After investigation a charge-sheet is filed.

5. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor.

6. *Prima facie* it appears that going by the statement of the first informant neither the Applicant nor any other co-accused had made any call to the father or other relatives of the first informant making a demand of Rs.15 lakhs. According to the first informant he made such calls intimating about alleged demand by the Applicant and others.

7. Admittedly, the amount has not been paid. All the three co-accused have been released on bail by the learned Sessions Judge. However, parity is denied to the Applicant on the ground that the present Applicant is main accused. It is not possible to accept that the role attributed to the present Applicant and others would be different. Essentially according to the prosecution all the accused were acting in furtherance of their common intention and there was a general concert. It further *prima facie* appears that the complainant only in his supplementary statement claimed that he was also threatened with a gun by the present Applicant, when he was taken from his office.

8. *Prima facie* it appears that such incident would be improbable in broad day light in the building where the office of the informant is situated. In any event the recovery of the gun is not from the present Applicant but from the co-accused who has

been released on bail. In such circumstances, the following order is passed.

ORDER

(i) The applicant be released on bail in Crime No.235 of 2021 registered with Chatrusrunji Police Station, Pune, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The applicant shall not make any attempt to directly or indirectly to contact the victim and shall not otherwise tamper with the prosecution evidence/ witnesses.

(iii) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(iv) The bail bonds to be furnished before the learned Sessions Court.

(v) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.