

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 1319 of 2022

Sopan S/o Ambadas Khadse

Versus

State of Maharashtra, through Police Station Officer, Police Station
Paratwada, Dist. Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.M.Daga, Advocate for the applicant.

Ms. Shamsi Haider, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 7th DECEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 227 of 2022 registered with Police Station Paratwada, Dist. Amravati for the offence punishable under Sections 264(A), 363, 384, 386 read with Section 34 of Indian Penal Code along with Sections 4 and 25 of Arms Act.

2. According to the prosecution, the applicant and remaining four accused kidnapped the informant for ransom. They threatened him by pointing knife of dire consequences. The informant contacted one Kalpana Jadhav and requested her to make arrangement

of money. However, she could not arrange the money. The accused persons threatened to kill the informant in case their demand is not satisfied. The accused persons, except accused no.1, as per the case of the prosecution, were not known to the informant. When this incident was going on, police came on the spot and apprehended the accused persons. The informant lodged the report and on the basis of said report, the crime as above came to be registered.

3. It is the case of the applicant that he has not committed any crime. As per the case of the prosecution, the applicant was accompanied with other accused persons. The vehicle belongs to one Vikas Nage and accused no.5 was driver on the said vehicle on the given date.

4. Charge-sheet has been filed. No specific role has been attributed to the applicant. Specific role has been attributed to the remaining accused. Identification of the applicant in the Test Identification Parade is insignificant. Therefore, he prays for grant of bail.

5. The Investigating Officer has filed reply and opposed the application. It is contended that all the five accused in furtherance of their common intention kidnapped the informant and threatened to kill him in case he failed to satisfy the demand of ransom. The act

by all the accused was pre-planned. Timely arrival of the police on the spot has saved the informant. The informant and the independent witnesses have identified this applicant being one of the persons present in the car. There is sufficient evidence to establish his complicity in commission of crime.

6. Learned counsel for the applicant took me through the charge-sheet and particularly the statement of the owner of the vehicle. On the basis of this statement, it is submitted that the car belonging to Vikas Nage on the given date was driven by the accused no.5. The car was meant for providing on hire basis. Learned counsel for the applicant further submitted that applicant was accompanied with other accused persons in the said car.

7. It is seen on a perusal of the record that no specific overt act has been attributed by the informant to the applicant.

8. In the facts and circumstances, I conclude that the subject to appropriate conditions, bail can be granted to the applicant. Hence, the following order :

ORDER

- i. The criminal application is allowed.
- ii. It is directed that the applicant shall be released on bail in Crime No. 227/2022, registered at

Police Station, Paratwada, Dist. Amravati for the offences punishable under Sections 364-A, 363, 384, 386 read with Section 34 of the Indian Penal Code and under Section 4/25 of the Arms Act, on his furnishing PR bond in the sum Rs.25,000/- with one surety of the like amount.

iii. The applicant shall not tamper with the prosecution evidence in any manner

iv. The applicant shall not pressurize or threaten the prosecution witnesses in any manner.

v. The applicant shall co-operate with the Investigating Officer.

[ANIL S. KILOR, J.]

SACHINDANAND
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