

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.423 OF 2023

**ROHIT DIPAK BHAGWAT
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Wakale Vijay Shivaji
APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : MARCH 21, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is a son of co-accused, who was working in the field of the first informant/kidnapped. It is the case of the prosecution that suddenly a car came to the field where the first informant was present and forcibly took him in the car. In the midway, another car followed them. They were demanding a ransom of Rs.3,80,00,000/- for his release. Fortunately, the police caught hold the accused after the report has been lodged. The applicant was also arrested there as he was present near the car. The applicant is a cousin of the main accused who committed such a serious offence.
3. Learned counsel for the applicant would submit that similarly situated co-accused i.e. the drivers have been granted bail. Hence, he deserves parity. The applicant has played no role. There is

disparity in the statement of the victim and contents of the remand report about the role attributed to the applicant. There are no antecedents to his discredit. Barely present near another car is not sufficient to link the applicant with the alleged incident. Since his father has been arrested, only mother is at home and nobody is there to look after her. The investigation has been completed. Nothing is to be recovered from the applicant. He humbly prayed for bail.

4. Learned APP would argue that the applicant was present on the spot where he was arrested and the first informant was protected. The applicant is the son of co-accused, who was engaged for the work in the field by the first informant. The applicant was well aware of the incident. He has played an active role in the serious crime. It is an offence committed by the family. The drivers who have been granted bail were not the family members. Hence, parity would not be extended. Considering the gravity of the offence and active role played by the applicant, he does not deserve bail.

5. The papers reveals that suddenly a car came to the field of the first informant, took him forcibly in the car and then another car joined in which the applicant was there. When the police trapped them, the accused was present and immediately arrested. It has been transpired in the investigation that the applicant has played an active role in committing a serious crime. They were demanding huge ransom of Rs.3,80,00,000/-. The first informant was tied with hands

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and legs in the car in which he was kidnapped. The applicant is the cousin of the main accused and the son of the co-accused who was working with the first informant. These are the circumstances to link the applicant with such a serious crime committed by them in conspiracy. Since the drivers were not the family members of the applicants, their roles were different, no parity would be extended to the applicant.

6. Considering the gravity of the offence and the way in which it is committed, the Court is not inclined to grant him bail.

7. For the above reasons, the application stands dismissed.

(S.G. MEHARE, J.)