

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

BAIL APPLICATION NO.839 OF 2023

**KACHRU SHREEKISHAN PADUL
VERSUS
THE STATE OF MAHARASHTRA**

**WITH
BAIL APPLICATION NO.840 OF 2023**

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

...

Advocate for Applicant : Mr. Imale Ramesh Ramdas
APP for Respondent/State : Mr. S.P. Deshmukh

...

CORAM : S.G. MEHARE, J.

DATED : JUNE 22, 2023

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants are seeking bail in Crime No.375 of 2022 registered with Karmad Taluka Police Station, District Aurangabad for the offence punishable under Section 363, 364(A), 120(B), 395, 386, 342, 323, 504, 506 r/w 34 of Indian Penal Code.
3. It is a case of abduction. It has been alleged that four persons came to the field of the victim and they abducted him. He was taken to various places. They demanded him a ransom of Rs.4 Crore. They were travelling in a car. When the car was stopped near

one petrol pump, the police in civil dress came there and rescued him. Some of the accused were arrested and four flee away.

4. Learned counsel for the applicants would submit that the applicant - Kachru was arrested six days after the incident. The delayed test identification parade raises doubt. Nothing is recovered from him. There are no antecedents to his discredit. The investigation has been completed. Therefore, his detention would serve no purpose.

5. As far as applicant – Dipak is concerned, he was a servant of the person abducted. The allegations against him are that he did not try to rescue the person abducted when he was abducted from his field. His phone handset was recovered but there were no call details to point out that he was in contact with other co-accused. Therefore, the allegations against him that he was the man who had given tip to other co-accused cannot be believed at this juncture. Except his mobile handset, nothing is recovered from him.

6. In the facts and circumstances of the case, the applications deserve to be allowed. Hence, the following order :

ORDER

(i) Both Bail Applications are allowed.

(ii) The applicants, Kachru Shreekishan Padul in Bail Application No.839 of 2023 and Dipak Bhavrao Bhagwat in Bail Application No.840 of 2023, be released on bail on executing P.B. and S.B. of

(3)

Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in the like amount each in connection with the above crime, on the conditions that they shall not tamper with the prosecution witnesses.

(iii) The applicants shall not contact the victim in any manner till conclusion of the trial.

(iv) The applicants shall attend the trial on each effective date.

(S.G. MEHARE, J.)

Mujaheed//