



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 378 OF 2023**

SURAJ LAXMAN CHAVAN ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

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Adv. Rishikesh Mohite for the Applicant.  
Mr. P. H. Gaikwad, APP for the State.  
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**CORAM : M. S. KARNIK, J.**

**DATE : OCTOBER 16, 2023**

**P.C. :**

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 364(a), 387 read with 34 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, Sections 142, 37(1) read with 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) of the Maharashtra Control of Organised Crime Act, 1999, registered on 06/10/2018 vide C.R. No.338 of 2018 with Khadak Police Station, Pune.
- 3.** The offence relates to the kidnapping of the son of the informant. There are 6 accused in all. The applicant is accused No.1. Accused No.5 is the gang leader. On

06/10/2018 at 9.00 a.m. the complainant opened his shop and his son came at the shop at about 10.15 a.m. The complainant is in the business of supply of building materials. The complainant's son/Darshan told the complainant that when he was coming to his shop on his activa, somewhere near Bhavani Peth a known person Shahbaz Firoz Khan and Suyash Waghmare stopped him and asked him why he was talking on the phone while driving. Shahbaz Khan i.e. accused No.5 slapped the complainant's son on his back. Later at 4.30 p.m. the brother-in-law of the complainant called the wife of the complainant's son and informed her that the complainant's son had not come to the shop yet. The complainant tried to contact his son Darshan on the phone but the phone was switched off. At 5.05 p.m. complainant received a call from Darshan's mobile. It was not Darshan on the phone but some other person spoke with the complainant. The complainant was asked to come out of the house near the gate. When the complainant came near the gate, Shahbaz Khan and Suyash Waghmare were standing outside the

gate. Shahbaz Khan told him that he had kidnapped the complainant's son and demanded a ransom of Rs.20 crores. The final ransom was fixed at Rs.15 Lakhs.

**4.** The police were alerted by the complainant. The complainant was called by the accused at 11.30 p.m. A trap was laid. The applicant along with co-accused Fardin Khan, Sahil Shaikh and Arbaz Khan were in the Tempo bearing number MH 12 FD 6674 in which Darshan was held. The applicant went to collect the ransom money of Rs.15 Lakhs from the complainant.

**5.** Learned APP submitted that the applicant has been duly identified in the test-identification parade. It is further submitted by learned APP that the offence is serious and there is recovery from other co-accused. According to the learned APP, CDR report reveals that the applicant was in a constant touch with the gang leader. It is submitted that the applicant's involvement in the offence and the actual role played by the applicant is very much evident. It is further submitted that the trial has commenced and 4 witnesses have been examined. Learned APP states that

though the prosecution has submitted a list of 61 witnesses to be examined, it is not that all the witnesses will be examined.

**6.** I have gone through the affidavit filed on behalf of the respondent. There is a chart in paragraph No.17 that discloses that there are several past criminal antecedents reported against the gang leader which are 11 in number. There is a chart which is listed in paragraph No. 18 which shows offences registered against organised crime syndicate. A chart at page No. 628 of the paperbook also shows the offences registered against the members of the organised crime syndicate. It is submitted by the learned APP that the applicant is a member of the organised crime syndicate.

**7.** The applicant was 26 years of age at the time of the commission of the offence. There are no criminal antecedents reported against the applicant. It is seen from the affidavit that accused No.5 Shahbaz Khan, the gang leader, employed the present applicant in his gang in order to commit the present offence. The present crime is the

only crime registered against the applicant. The applicant has been in custody for more than 5 years. The trial though has commenced, with the number of witnesses to be examined, is likely to take a long time to conclude. On the ground of long incarceration, in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail by imposing stringent conditions. There are no criminal antecedents reported against the applicant. Hence, the following order :-

### **ORDER**

- (a) The application is allowed.
- (b) The applicant- Suraj Laxman Chavan in connection with C.R. No.338 of 2018 registered with Khadak Police Station shall be released on bail on his/her furnishing P.R. Bond of Rs.1,00,000/- with one or more solvent sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.1,00,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Khadak police station twice a month every first and third Monday of the month between 11.00 a.m. and 1.00 p.m. subject to further orders of the trial Court.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Pune District after being released on bail, till the trial concludes.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

(i) The applicant shall not leave the country without permission of the trial Court.

(j) The applicant shall file an undertaking before the trial Court that he shall attend the trial regularly, shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(k) If any of the condition is breached it will be open for the prosecution to make an application for the cancellation of bail granted to the applicant.

**8.** The application is disposed of.

**9.** It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

**(M. S. KARNIK, J.)**