



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

BAIL APPLICATION NO.960/2023

GOPAL IRAPPA GADADAK

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vikas Kolekar for the applicant.

Ms. Veera Shinde, APP for the State.

PC541 S. D. Buchade, Islampur Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 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 363, 364-A, 365, 120-B read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 4/6/2019 vide C.R. No.439/2019 with Islampur Police Station, Sangli.

3. There are in all five accused. The applicant is the accused no.3. So far as the main accused no.1 - Sunil Mohan Kadam is concerned, he has been enlarged on bail by this Court vide an order dated 24/1/2023. The order

reads thus :-

“This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 439 of 2019 registered at Islampur Police Station, Sangli for the offences punishable under Sections 363, 364-A, 365, 120-B r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The allegations against the present applicant and other co-accused are of kidnapping for ransom.

5. This Court by order dated 17 July 2021 in Bail Application No.19 of 2020 while releasing the co-accused on bail has observed :

“The supplementary statement dated 8/6/2019 of the complainant would reveal that though he says that missing complaint was filed by him, but the same does not mention anything about a demand of ransom being made. Even the statement of Varadraj does not reveal that during the time he was in custody, he overheard any demand for ransom or there was a threat to his life or bodily injury to his person.”

6. In view of the above prima-facie finding and as the applicant is in jail for about 4 years, I am inclined to release him on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Sunil Mohan Kadam be released on bail in Crime No. 439 of 2019 registered at Islampur Police Station, Sangli for the offences punishable under Sections 363, 364-A, 365, 120-B r/w. 34 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.”

4. The present application is opposed by learned APP.

5. The accused Nos.1, 2, 4 and 5 are enlarged on bail. The applicant is in custody for more than four years with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. The applicant can also be enlarged on bail on the ground of parity. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Gopal Irappa Gadadak in connection with C.R. No.439/2019 with Islampur Police Station, Sangli. shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) 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.
- (d) The applicant shall attend the trial regularly.

(e) 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.

6. The application is disposed of.

(M. S. KARNIK, J.)