

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1501 OF 2022**

Shivanand Vitthal Shrirame ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Gaurav Parkar for the Applicant.

Mr. V.B. Konde-Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATE : 3 JANUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 233 of 2020 registered at Khalapur police station for the offences punishable under Sections 395, 365, 170, 120-B of the Indian Penal Code.

3. In the present crime the victims are foreign nationals. They decided to come to India for medical treatment of one of the victims. According to the prosecution, as they were in need of logistical support in India, through online search they contacted the absconding accused No. 5, who assured them to arrange vehicle for them. According to the prosecution, absconding accused No. 5, thereafter entered into the conspiracy with the other co-accused to abduct the

victims and to demand ransom from their families.

4. It is alleged that on 26 December 2020, the present applicant and other co-accused in pursuance of their conspiracy came to Mumbai Airport in two vehicles as the victims were coming to Mumbai on that day. On arrival of the victims at Mumbai Airport the present applicant and other co-accused told them that they had come to take them to hotel.

5. It is alleged that after the victims sat in one of the vehicles, the present applicant and other co-accused on the pretext of taking them to the hotel took them towards Pune. It is alleged that the demand of ransom of Rs. 45 lakh dollar was then made with the family members of the victim. It is further alleged that the victims were robbed of the cash which they were having and few other valuable articles and thereafter they were made to get down from the vehicle near Khalapur Tollbooth on Mumbai Pune expressway.

6. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that there is no material to show that the applicant was part of alleged conspiracy. It is submitted that there are no other criminal antecedents. It is further submitted that the applicant is in jail for two years and trial is not likely to conclude in near future. It is thus submitted that applicant may be released on bail.

7. On the other hand, the learned APP for the respondent-State submits that the applicant is involved in a serious offence of abduction of foreign nationals for ransom. It is submitted that material in charge-sheet and more particularly statement of first informant would show that the applicant was part of conspiracy. It is submitted that considering the nature of offence the applicant may not be released on bail.

8. I have perused the charge-sheet and more particularly the statement of first informant whose car was hired by the present applicant and other co-accused to abduct the victims and he was with them at the time of alleged abduction. From the statement of the first informant, prima facie, the present applicant appears to be part of the conspiracy of alleged abduction. The learned counsel for the applicant submits that name of the applicant is Shivanand, whereas according to the FIR it was one Shiva, who was accompanying the co-accused. However, I am not inclined to entertain this submission at the stage of bail.

9. Considering the facts and circumstances of the case, I am not inclined to release the applicant on bail. However, considering the fact that applicant is in jail for two years the trial Court shall endeavor to conclude the trial as early as possible and in any case within a period

of nine months from the date of receipt of copy of this order.

10. In the event trial is not concluded as directed above, then the applicant is at liberty to move an application for bail before the trial Court.

11. Application is disposed of.

(N.R. BORKAR, J.)