



PMB

12.BA.1562-23.odt

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

BAIL APPLICATION NO.1562 OF 2023

SANTOSH ASHOK TIHILE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sagar Tambe a/w Adv. Kamran S. Shaikh for the
applicant.

Ms. Veera Shinde, APP for the State.

PSI Manish Waghmare, Ulhasnagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 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), 385, 386, 387, 341,
120-B, 201 of the Indian Penal Code (hereafter 'IPC' for
short), under Sections 3(1)(ii), 3(2), 3(4), 3(5) of the
Maharashtra Control of Organized Crimes Act, 1999 and
under Sections 37(1), 135 of Maharashtra Police Act
registered on 15.03.2018 vide C.R. No.I-52 of 2018 with
Ulhasnagar Police Station.

3. The application is opposed by learned APP. It is submitted by learned APP that the offence is serious. It is the case of the informant that he was working as a travel agent. On 14.03.2018 at about 10.15 p.m., the informant was proceeding on his motorcycle. Near Moti Bhajiwala the informant was intercepted by a Wagonr Car. He avoided the car and a little way ahead was intercepted by two persons riding on the motorcycle. The motorcycle riders quarreled with the informant. The Wagonr Car came to the spot. The two motorcycle riders of which one is the applicant forced the informant to sit in the Wagonr Car and they proceeded towards Ambernath. The ransom amount of Rs.1 Crore was demanded by one of the accused. The amount was then reduced to Rs.25 Lakhs after the informant expressed his inability to pay the amount. The phone call was made to his brother. The investigating agency was informed in the meantime and the accused came to be arrested. The offence was registered on 15.03.2018.

4. The applicant is the accused No.7. There are in all eight accused. The applicant is arrested on 02.04.2018 and

is in custody for five years and six months with no possibility of the trial concluding any time soon. The present C.R. is the only offence in common with the gang leader accused-Vikki @ Vikrant Prakash Jadhav. There are no criminal antecedents reported against the present applicant. There is one offence registered under the Arms Act but that is post the registration of the present C.R.

5. The role of the present applicant is that he slapped the informant and made him sit in the Wagonr Car. There is thus a failed attempt on the part of the accused to collect the ransom amount. Considering the nature of the accusations in the present C.R. and also considering that there are no offences registered against the applicant in common with the gang leader prior to the registration of the present C.R., further that the applicant is in custody as an under-trial for a period of five years and six months, I am inclined to enlarge the applicant on bail by imposing stringent conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

- (b) The applicant-Santosh Ashok Tihile in connection with C.R. No.I-52 of 2018 registered with Ulhasnagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Ulhasnagar Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.
- (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.
- (f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Thane District after being released on bail, till the trial concludes.
- (g) The applicant shall attend the trial regularly.
- (h) The applicant shall not leave the State of Maharashtra without the permission of the trial Court except for the purpose of attending the Court cases in the State of Gujarat.

6. The application is disposed of.

(M. S. KARNIK, J.)