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

**BAIL APPLICATION NO.3679 OF 2022**

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**Mahesh Vijay Jagtap**

... Applicant

**V/s.**

**State of Maharashtra**

... Respondent

Mr. Ashok Mundargi, Senior Advocate i/by Mr. Jayant Bardeskar for the applicant.

Ms. Veera Shinde, APP for the respondent/ State.

Mr. Nitin Netaji A., API, Shikrapur Police Station, Pune Rural, is present.

**CORAM : AMIT BORKAR, J.**

**DATED : AUGUST 9, 2023**

**P.C.:**

1. This is an application under Section 439 of the Criminal Procedure Code, 1973 seeking bail in connection with C.R. No.451 of 2022 registered with Shikrapur Police Station for offences punishable under Sections 386, 387, 363, 364(a), 324, 504, 506 and 34 of the Indian Penal Code, 1860.

2. According to prosecution, on 6<sup>th</sup> May 2022 is that he along with his friend Rohidas Shinde were abducted by two unknown persons at 07:45 p.m. on 4<sup>th</sup> May 2022 when they came out of the office of Bharat Petroleum corporation Ltd., Sanaswadi, Taluka Shirur, District Pune after attending the meeting of labour

contract. It is alleged that these two unknown persons forcibly made the informant and his friend to sit in Hyundai Venue Car of white colour and took them one km. away near a lake. Both these unknown persons at that time alleged to have hit the informant and his friend with wooden stick. It is further alleged that one of the persons from those two unknown persons asked the informant to pay Rs.3,50,000/- immediately, otherwise they would kill the informant and his friend. The report further reveals that when both these persons hardly pressed for the ransom of Rs.3,50,000/- with threat to the life of the informant and his friend, then the informant called his brother Murarilal and as per the directions of one of the persons sitting on the steering asked the brother of the informant to credit Rs.1 lakh online in the complainant's account. Similarly at the directions of the other unknown person in said car, the brother of the informant was asked to credit Rs.1 lakh as directed by said other person online. As such Rs.2 lakh were credited between 08:00 p.m. to 08:53 p.m. on two different accounts, the details of which are mentioned in the report.

**3.** As per report, after recovery of Rs.2 lakh, other person sitting in the car threatened that remaining Rs.1,50,000/- be given to them after some time and the ransom of Rs.50,000/- per month should also be given. He also threatened the informant not to lodge police complaint with dire consequences. The other person told the informant to speak with Sagar Shinde and he will arrange meeting with Mahesh Jagtap. The report finally alleges that both unknown persons dropped the informant and his friend at about 9:45 p.m. on 4<sup>th</sup> May 2022 at their original place where from they

were abducted near their vehicle. Accordingly, first information report came to be registered.

4. The applicant filed application under Section 439 of the Criminal Procedure Code, 1973 before the learned Sessions Judge which came to be rejected by order dated 4<sup>th</sup> November 2022. The applicant, therefore, filed present bail application.

5. Learned advocate for the applicant submitted that there is no recovery of any amount or articles from the present applicant. The entire amount of ransom was transferred in the name of other persons than present applicant. CDR is weak piece of evidence. There is delay of two days in lodging the first information report. The alleged demand by the applicant of Rs.50,000/- was of September 2021; however, the alleged incident mentioned in the report is of May 2022. There is no nexus between the incident of September 2021 to the incident of May 2022.

6. Per contra, learned APP invited my attention to CDR to show that the applicant was in touch with Sagar Kusekar (Accused No.1). The applicant has antecedents to his discredit, and therefore, the bail application deserves to be rejected.

7. I have considered the submissions of both the sides. There is no recovery of any amount or articles from the present applicant. Though, it is informant's case that amount of Rs.2,00,000/- was transferred electronically. Therefore, the only circumstance for consideration is about CDR. However, since main circumstances are not incriminating against the present applicant, the circumstance of CDR by itself would not be sufficient to continue

detention of the applicant in the facts of the present case. The prosecution needs to prove the role of the applicant during the trial. Existence of criminal antecedents is one of the circumstance but existence of antecedents by itself in the facts of the case is not sufficient to deny bail to the applicant. Hence, following order:

- a) The applicant be released on bail in relation to C.R. No.451 of 2022 registered with Shikrapur Police Station for offences punishable under Sections 386, 387, 363, 364(a), 324, 504, 506 and 34 of the Indian Penal Code, 1860 on furnishing P.R. Bond in the amount of Rs.25,000/- along with one or two sureties in the like amount;
- b) The applicant shall mark his presence before the concerned police station on first Saturday of every month between 11.00 a.m. to 2.00 p.m.;
- c) The applicant shall remain present before the Trial Court on each and every date unless specifically exempted by the Court;
- d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;
- e) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- f) The applicant shall, at the time of execution of the

bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The bail application stands disposed of in above terms.

**(AMIT BORKAR, J.)**