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

BAIL APPLICATION NO.3911 OF 2023

VIJAY @ SHENDI KHOBRAJI THORAT ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Keshav S. Chavan for the applicant.
Ms. Veera Shinde, APP for the State.
ASI Shivsharan, Shivaji Park Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 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 Section 363, 363(A) read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 29.12.2019 vide C.R. No.277 of 2019 with Shivaji Park Police Station.
- 3.** There are in all two accused. The applicant is the accused no.2. The date of the incident is 29.12.2019. The applicant was arrested on 08.01.2020 and is now in custody for more than three years and eleven months.

4. Learned APP opposed the application for bail. She submitted that the accusations against the applicant is that the applicant along with the co-accused No.1 kidnapped a child of three months of age from the footpath where his mother was selling vegetables. The FIR was lodged on 29.12.2019. The child was found in the custody of the accused No.1 by the Investigating Agency and the child was handed over to his mother-the informant on 14.01.2020. It is the case of the prosecution that both the accused have kidnapped the child though the child was found from the custody of accused No.1.

5. In the facts and circumstances of the present case considering that the applicant is in custody for more than three years and eleven months with no possibility of the trial concluding any time soon, though the charge has been framed, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Vijay @ Shendi Khobraji Thorat in connection with C.R. No.277 of 2019 registered with Shivaji Park Police Station 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 attend the Investigating Officer of Shivaji Park Police Station twice a month on the first and third Monday of every month between 11.00 a.m. to 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) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall not leave the State of Maharashtra without the permission of the trial Court.

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

6. The application is disposed of.

(M. S. KARNIK, J.)