

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1457 OF 2024

Harish Hanmant Rochkari	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Nitin Gaware Patil for Applicant.

Mr. Balraj B. Kulkarni, APP for Respondent-State.

Mr. Satyajit Aavte, API, Solapur Taluka Police Station present.

CORAM : MANISH PITALE, J.

DATE : JUNE 12, 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent - State.

2. By this application, the applicant, who is one of the accused persons concerning FIR No.0177 of 2024 dated 24.03.2024 registered at Solapur Rural Police Station for offences under Section 364-A read with Section 34 of the Indian Penal Code, 1860 (IPC), seeks anticipatory bail. The application filed before the Sessions Court was dismissed on 06.05.2024, wherein the said Court opined that custodial interrogation in the facts and circumstances of the present case is necessary.

3. The informant (victim) in his statement, which led to registration of the FIR, has stated in graphic detail as to how he was allegedly forcibly picked up by the applicant and other accused persons on 21.03.2024, on the ground that the informant owed certain money to the applicant and other accused persons. It is the case of the victim that after being picked up in the aforesaid manner, he was assaulted and forcibly kept at a Lodge and thereafter, he was allowed to contact only his wife

in order to arrange for an amount of Rs.10,00,000/- to be paid to the applicant and the other accused persons. It is alleged that the informant was forcibly kept in custody of the applicant and co-accused persons till 23.03.2024, when he was eventually released in the evening near Zilla Parishad office.

4. The learned counsel for the applicant has read the relevant portion of the FIR and he submits that even if the said statement is accepted for the sake of arguments, the ingredients of offence under Section 364-A of the IPC are not made out, simply for the reason that in the light of the allegations of the informant, it cannot be said that ransom was demanded. It is further submitted that the document placed at exhibit-C along with the application shows that on 23.03.2024, at about 5:28 p.m., a registered sale deed was executed wherein the vendor was the wife of the informant (victim) and he was the consenting party. It is submitted that if the victim was present in the office of the Sub-Registrar at Solapur at 5:28 p.m., the statement made by the victim before the police that he was released at 5:45 p.m. by the applicant and other accused persons near the Zilla Parishad office of Solapur can be said to be false on the face of the record. In other words, the applicant is claiming that the falsehoods put forth by the victim are amply proved by the said registered document placed on record at exhibit-C. On this basis, it is submitted that a strong *prima facie* case is made out by the applicant and hence, this Court may consider allowing the present application.

5. On the other hand, the learned APP has produced a case diary for perusal of this Court. He has referred to the documents that have come on record during the course of investigation, including call data records of the relevant mobile phones, photographs of the victim having suffered injuries and other such documents to indicate that there is sufficient material against the applicant before this Court. It is submitted that the

victim has suffered brutal assault over a period of almost three days, which cannot be ignored and this is certainly not a case for grant of anticipatory bail.

6. This Court has considered the material on record as well as the papers tendered by the learned APP for perusal of this Court. As regards the first argument made on behalf of the applicant, it would be necessary to refer to Section 364-A of the IPC, which reads as follows:-

“364A. Kidnapping for ransom, etc.- Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.”

7. A perusal of the above-quoted provision would show that apart from referring to the aspect of payment of ransom, the said provision also refers to a situation where a person is abducted and detained, given a threat to cause death or hurt and thereupon he is asked to do or abstain from doing any act. In the present case, according to the victim, he was picked up and abducted by the applicant and other accused persons on 21.03.2024. He was detained against his wishes at a Lodge. He was physically assaulted and he suffered injuries. In this backdrop, the applicant and the other accused persons allegedly asked him to pay an amount of Rs.10,00,000/-, which was allegedly due from him and in that context, permitted him to contact only his wife. In other words, according to the victim, the applicant and the other accused persons were forcing him to act in a particular manner while abducting him and putting him under the threat of death and causing hurt. Therefore, this Court is of the opinion that the ingredients of the said offence under

Section 364-A of the IPC are *prima facie* made out and there is no substance in the first contention raised on behalf of the applicant.

8. As regards the contention that the victim and his wife were present at the office of the Sub-Registrar at Solapur in terms of the document at exhibit-C and that it falsified the claim of the victim that he was released at 5:45 p.m. near the office of the Zilla Parishad, it would be a matter for further investigation.

9. In any case, the papers pertaining to the investigation tendered by the APP for perusal of this Court, at this stage, sufficiently indicate the direct involvement of the applicant in the alleged offence. The offence is of a serious nature and no case is made out by the applicant for granting anticipatory bail.

10. In view of the above, the application is dismissed.

11. Needless to say, the observations made in this order are limited to the extent of deciding the present application for anticipatory bail.

12. Having perused the papers and the photographs, the same are returned to the learned APP.

(MANISH PITALE, J.)

Minal Parab