



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 374 OF 2025

Shaikh Tausif Shaikh Sameer
Age 34 years, Occupation Private Service,
R/o. Bari Colony, Madni Chowk, Aurangabad,
Taluka and District Aurangabad. ... Applicant

Versus

1. The State of Maharashtra
Through Officer In Charge,
Police Station Akhada Balapur,
District Hingoli.
2. The Superintendent of Police,
Hingoli, District Hingoli. ... Respondents

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Mr. Sudarshan J. Salunke, Advocate for the Applicant.
Mr. V. M. Jaware, APP for Respondent Nos. 1 and 2.

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 19.03.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No. 0597 of 2024 registered at Akhada Balapur Police Station, District Hingoli for offence punishable under Sections 137(2), 140(2), 310(2), 109, 127(2), 115(2), 352, 351(2)(3), 61(2) and 126(2) of the Bharatiya Nyaya Sanhita (BNS) and Section 3/25 of the Arms Act.

2. Learned counsel submitted that applicant is arrested in above crime on 05.10.2024. That, he is shown as accused no.3. It is pointed out that only role attributed is that, applicant arranged for stay of an abducted person at a farm house. That, he is not shown to be involved either in abduction, or to be in the company of main accused who brought the abducted old person allegedly for ransom. Learned counsel submitted that occurrence is of 03.10.2024 and the abducted person is released on the very next day. Learned counsel pointed out that investigation is over and in the summary of charge sheet, only above role is attributed. Thus, according to learned counsel, as no further recovery or discovery is to be made and charge sheet is already filed in December 2024 itself, he urges for bail on any condition deemed fit by this Court.

3. Learned APP pointed out that applicant's involvement has surfaced in the investigation. That, he is a part of a gang, who abducted old man who was detained and confined in a farmhouse for demand of Rupees one crore ransom. That, applicant was in touch with main accused and thereby he has facilitated in the crime by making stay arrangement of the abducted person. For above reasons, he opposes bail application.

4. Heard. Perused the papers including FIR dated 04.10.2024 at the instance of one Avinash Shinde, and its sum and substance is that on 03.10.2024 around 7.35 p.m., he received phone call from his friend informing that motorcycle of informant's father is lying near service road but his father is not there and therefore, informant conducted search. He further claims that around 09.18 p.m., call was received on mobile of his mother, over which his father had conversation on voice call informing that four persons had abducted him in a Scorpio vehicle. When informant's brother Ankush called up on the mobile of his father, there was said to be demand of Rupees one crore for releasing informant's father. Therefore, he lodged report against unknown persons.

5. Learned counsel has taken this Court through the summary of charge sheet wherein role attributed to present applicant is that, he arranged farm house for keeping informant's father till their alleged demand was met. Even very statement of victim recorded on 05.10.2024 is only about being abducted while travelling on motorcycle and taken in four-wheeler vehicle by four persons.

6. Therefore, apparently, from above material, role which is attributed to present applicant is, arranging for stay of abducted person at a farmhouse. He is not the one who abducted and brought informant's father towards the farm house. Statement is made across the bar by learned counsel for the applicant, that in spite of test identification parade, present applicant is not identified. This submission is not refuted by learned APP. Now investigation is over and charge sheet is filed on 30.12.2024. Taking the above role into account, there is no reason to refuse relief. Hence, I proceed to pass the following order :

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 0597 of 2024 registered at Akhada Balapur Police Station, District Hingoli, on executing Personal Bond of Rs. 50,000/- with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter the vicinity where informant, his family members and near and dear ones reside, till conclusion of trial.

[c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday and maintain personal diary of his attendance till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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