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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.587 OF 2025

Mudassar Hussain S/o Iqbal Hussain,
Age: 24 years, Occu.: Car Dealer,
R/o.: Murgi Chowk, Khalwat Charminar,
Hyderabad (Telangana State). ... Applicant

Versus

The State of Maharashtra ... Respondent

.....
Mr. P.P. Giri, Advocate for Applicant
Ms. Vaishali S. Chaudhari, APP for Respondent - State
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 24 APRIL 2025
PRONOUNCED ON : 28 APRIL 2025

PER COURT :-

1. Present application is for grant of regular bail on account of arrest of the applicant in Crime No.0597 of 2024, registered at Akhada-Balapur Police Station, District Hingoli for offences punishable under Sections 137(2), 140(2), 310(2), 109, 127(2), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita (BNS) and under Sections 3/25 of Arms Act.

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2. It is pointed out that, applicant was arrested in above crime on 05.10.2024, and he is behind the bars since then. That, present applicant arraigned as accused No.4 amongst 10 accused. That, there are allegations of abduction. That, the person, who was allegedly abducted, is already back home. He further emphasized that only role attributed to the present applicant is that, accused No.8 made a phone call to the present him to book farmhouse. Except such role, no other role is attributed to the present applicant. Learned counsel submitted that, even charge-sheet itself shows that applicant was at Telangana. That, no test identification parade is held till now. That, investigation is over and charge-sheet is already filed on 30.12.2024. That, this Court had granted bail to similarly situated persons namely, Shaikh Tausif Shaikh Sameer (accused No.3) and Shaikh Najir S/o. Shaikh Shafi (accused No.6), who were not found to be involved in abduction. That, as applicant is ready to abide all and any conditions imposed by this Court, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that an old person is abducted by hatching conspiracy and that, present applicant was found at the farmhouse where the abducted person was being

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held. He further pointed out that, investigation revealed that mobile phone of applicant is used in making a call for demanding ransom. According to her, as there is active participation, therefore, she opposes the application.

4. Heard. Perused the FIR dated 04.10.2024 at the instance of Avinash Ganpatrao Shinde. Sum and substance of FIR is that, on 03.10.2024, at around 07:35 p.m., he got a phone call from mobile number 8600251460 from one Raul Bondhare informing that, his father's motorcycle has turned turtle near Kandli phata, but his father is not seen there. Consequently, informant rushed there, but he did not find his father. Around 09:18 p.m., WhatsApp call was received on the mobile of his mother over which his father talked and told that four persons have forcefully abducted him in a Scorpio Car, and taking him somewhere and saying so, the call was disconnected. Attempt was made to call back, but there was no communication. Later on, persons taking his father, again made a WhatsApp call, and it was answered by his brother Ankush, and it was threatened that if they want their father back, they should pay sum of Rupees one Crore or else their father would be done to death, and hence, report was lodged against unknown persons.

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Subsequently, after investigation, as many as 7 to 8 persons are arrested.

5. Learned counsel for the applicant has invited the attention of this Court to the remand report dated 10.10.2024, wherein it is alleged that, while in lock-up, enquiry was made with arrested accused, who gave disclosure, and subsequently, at the farmhouse, friends of present applicant namely, Shaikh Tausif Shaikh Sameer, Sayyed Shaker Ali, Sayyed Naser Ali, Shaikh Najir Shaikh Shafi, who are said to be resident of Chhatrapati Sambhajinagar, were present. Therefore, name of present applicant does not figure in the act of allegedly picking up of informant's father and being forcefully brought in the vehicle till the farmhouse. Statement made across the bar by the learned counsel that, in entire charge-sheet, only role attributed to present applicant is that, his mobile was used for arranging the farmhouse. Learned APP pointed out that applicant was present at the farmhouse and his mobile was used for demanding ransom. But, submission of learned counsel that, applicant was not involved in the process of abduction has not been refuted by learned APP.

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6. Apparently, the FIR is lodged against unknown persons, and the material brought to notice by the learned APP appears to be, prima facie, based on the alleged confessional statement of the arrested accused. Now, investigation is over and charge-sheet is filed on 30.12.2024. Therefore, considering the same and when future course of trial is uncertain, and no further purpose is shown to be achieved by further detention of the applicant coupled with the ground of parity, given that accused Nos. 3 and 6 have been enlarged on bail, applicant also succeeds. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) The 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.15,000/- with one local surety in the like amount on 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.

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[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 Monday and Thursday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane