



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2287 OF 2024

Saddam @ Rafiq Khalil Sayyed

Age 32 years, Occu – Labour

R/o. Indira Nagar, Majalgaon,

Tq. Majalgaon, Dist. Beed.

... Applicant

Versus

1. The State of Maharashtra,
Through Officer In Charge,
Police Station Pathri,
District Parbhani.

2. The Superintendent of Police,
Parbhani, District Parbhani.

... Respondents

.....

Mr. Sudarshan J. Salunke, Advocate for the Applicant.

Mr. N. D. Batule, APP for Respondents.

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 28.01.2025

ORDER :

1. Instant application is for grant for regular bail in crime no. 0528 of 2024 registered at Pathri Police Station, District Parbhani for offence under sections 140(2) and 3(5) of BNS.

2. Pleading innocence and false implication, learned counsel pointed out that applicant is arrested in above crime on 17.10.2024 in FIR registered on 14.10.2024. Learned counsel pointed out that informant claims that his brother was abducted. However, he further

emphasized that, in fact victim was a sugarcane cutting labour. There is system of taking advance money for deployment and engagement of labours. That, subsequently, to avoid repayment, such tactics are adopted. Learned counsel pointed to the statement of victim and submitted that, apparently allegations are raised that victim was taken in a vehicle from Pathari Bus Stand to Pune and then even brought back and dropped near vicinity of Majalgaon Court premises. There are no allegations of any serious threat or grave injury in the statement of victim, who is 36 years of age. He pointed out that, allegations against present applicant are that he took motorcycle of victim, however, he further pointed out that in fact, applicant is also shown to be in the company of victim in the vehicle which allegedly was taken to various places. He lastly submitted that victim is back with his family. There is no recovery or discovery at the instance of present applicant. Investigation is over and now chargesheet is already filed, and for above reasons, he seeks enlargement on bail on appropriate conditions so desired by this Court.

3. While opposing the bail application, learned APP pointed out that applicant is named both, in the FIR as well as statement of victim. His role is also crystallized, i.e. for taking motorcycle of victim, and so, for above reasons, learned APP prays to reject the application.

4. Heard. Perused the papers including FIR at the instance of Sanjay Baliram Todke lodged on 14.10.2024 and its substance is that, on 12.10.2024 he himself, his brother Shivaji and brother-in-law Vasant had been to purchase cot at Pathari and that time, Shivaji had received phone call from someone and he left them without giving details. Informant claims to have called up his brother at 4.00 p.m. and claims to have learnt that owners of sugar factory had called him at Simla Hotel, but he did not return and later on, informant's son informed about seeing two unknown persons traveling on the motorcycle of Shivaji. Around 11.00 p.m. on 12.10.2024, informant received phone call from one Ranjit about receiving call from friend of Shivaji informing that contractor Bibhishan Choure had taken him in the backdrop of financial transaction. Later on, informant received phone call giving identity as Rafique asking informant whether he is coming to Sambhaji Maharaj Chowk, Majalgaon. On 13.10.2024, informant was asked to send Rs.3,00,000/- to his brother. On above report, crime was registered against unknown persons for abducting Shivaji.

5. Statement of Shivaji is also visited and he has narrated that, on 12.10.2024, he was taken in a vehicle by Bibhishan Choure and others, and his motorcycle was taken away by present applicant.

Victim has reported that he was taken to Pune and they moved to various places in Pune and finally he was brought back to Majalgaon and dropped. He has provided the number of vehicle in which he was allegedly taken. As submitted, there are no allegations of any grave physical violence or serious threat or threat given to Shivaji. Now investigation is said to be over and charge sheet is also filed. Therefore, considering the nature of accusations, no purpose would be served by further detention of the applicant. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Saddam @ Rafiq Khalil Sayyed be released on bail in connection with Crime No. 0528 of 2024 registered at Pathri Police Station, District Parbhani, on executing Personal Bond of Rs. 15,000/- 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 village Tura, Taluka Pathri, District Parbhani till conclusion of trial
- III. Parties to act on an authenticated copy of this order.

[ABHAY S. WAGHWASE, J.]