2025:BHC-AS:8662

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.5465 OF 2024

Dipak Vilas Jadhav ... Applicant

versus

The State of Maharashtra … Respondent

Mr. Keshav Chavan with Mr. Anita Marbhal, for Applicant.
Mr. P.P.Devkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 24 FEBRUARY 2025

P.C.

1. The applicant, who is arraigned in C.R.No.51 of 2023 registered with DCB-CID, Bandra, for the offences punishable under Sections 386, 364-A, 323, 504, 506(2) and 170 read with Section 34 of the Indian Penal Code, 1860, has preferred this application to enlarge him on bail.

2. The gravamen of indictment against the applicant and the co-accused is that on 30 June 2023 at about 8.40 p.m., while the first informant and his friend had been to Therapay Hotel, Dilip Manjulkar (A2), (one of the co-accused), took the first informant away, representing himself to be an Officer of the Anti Narcotic Cell, Ghatkopar Unit and stated that the first informant had committed an offence of drug trafficking. Despite resistance of the friend of the first informant, the applicant and co-accused made the first informant to

board the autorikshaw. Co-accused Sachin Malhotra @ Shankar (A1) and the applicant boarded the autorikshaw, which the first informant was forced to board. The applicant took away the mobile phone handset of the first informant. The account of one Sheetal Rathod was added in the Google Pay account of the first informant and a sum of Rs.5,30,000/- was extorted by making the first informant transfer the amount to the said account through Google Pay and by scanning QR Code. The prosecution alleges, with a view to extort further amount, the applicant and co-accused moved the first informant around in the autorikshaw throughout the night intervening 30 June 2023 and 1 July 2023. The first informant was intermittently assaulted, abused and even taken to his home by giving threats of prosecution. The first informant was made to handover two cheques. An effort was also made to withdraw an amount of Rs.20 Lakhs from the account of the first informant by tendering cheques. As the said effort did not materalize, the first informant was dropped at Marole, Andheri, in the forenoon of 1 July 2023. On the next day, the applicant along with Dilip Manjulkar (A2), visited the house of the first informant and threatened the mother of the first informant. After realizing that the applicant and co-accused impersonated themselves as police, the first informant lodged the report.

3. The applicant and co-accused came to be arrested. During the course of investigation, test identification parade was conducted. The applicant as

well as co-accused were identified by the first informant.

4. Mr. Chavan, learned Counsel for the Applicant submitted that the first informant had known the applicant since prior to the occurrence. The first informant has lodged the FIR as the first informant suffered loss in the betting. There were financial transactions between the applicant and the first informant. As disputes arose, a false case of kidnapping for ransom was lodged. It was further submitted that the applicant has been in custody since 9 July 2023. The trial is not likely to conclude in a reasonable time. Therefore, the applicant deserves to be enlarged on bail.

5. Learned APP stoutly resisted the prayer for bail. It was submitted that there is overwhelming material to show the complicity of the applicant. There are bank statements and screen shots evidencing the transfer of the amount from the account of the first informant to the account of the beneficiary added by the applicant. Immediately after the occurrence, the applicant had transferred the amount to the account of Umesh Siripuram. To the said witness as well, the applicant had represented that he was a police Officer. The applicant has been identified in the test identification parade. Images in the CCTV footages show the complicity of the applicant. CDR also shows that on the night of the occurrence, the applicant was in constant touch with the co-accused. Therefore, the applicant does not deserve to be enlarged on bail.

6. Prima facie, it appears that in pursuance of a well planned conspiracy, the first informant was abducted. He was made to board autorikshaw. The applicant and the co-accused over-powered, abused and assaulted him and by snatching away his mobile phone, amounts were got transferred from the account of the first informant to the account of Sheetal Rathod.

7. Prima facie, there is overwhelming material to show that the first informant was made to transfer the amount by operating UPI account by withdrawing the amount from ATM and was also made to deliver signed cheques. Huge amount was thereby extracted by putting the first informant in fear of false prosecution as well as death.

8. Investigation has revealed that Sheetal Rathod is the wife of the applicant. Amounts were transferred to her account. The Applicant and the co-accused also took the first informant to his house at the dead of the night, threatened him and his mother and obtained two cheques. On the next morning, an effort was made to withdraw the cash by tendering those cheques. However, the bank Officer declined to pay the cash. In the CCTV footages, the first informant is seen with the applicant and the co-accused in front of the bank.

9. The money trail, prima facie, lends support to the claim of the first informant. CCTV footages, CDR and the financial transactions at the dead of the night further substantiate the prosecution version.

10. The first informant had ample opportunities to note the features of the person who kidnapped him as the first informant was with his kidnappers for more than 12 hours. Identification of the applicant by the first informant, therefore, cannot be brushed aside, at this stage, as improbable. What aggravates the accusation against the applicant is that the first informant was kidnapped for ransom by the applicant and co-accused disguised as police officers. The first informant was threatened with prosecution for the grave offences of drug trafficking. To extort money, the first informant was put in fear of death.

11. In the totality of the circumstances, a very strong prima facie case is made out against the applicant. The submissions of Mr. Chavan that there were financial transactions between the applicant and first informant in relation to alleged betting, prima facie, appear to be gratuitous, in the sense that, there is no material which even remotely probablises the said claim of the applicant. I am, therefore, not inclined to exercise discretion in favour of the applicant.

12. Hence, the following order :

ORDER

(i) The Application stands rejected.

(ii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)