

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Application No.1782 of 2025

Lalu Rustam Shaikh
Aged: 54 years, Occ:- Nil,
R/at: Amanat, Amanat Diyara,
Piyarpur, Sahebganj,
Jharkand 816108
(In Yerwada Central Jail)

... Applicant

versus

The State of Maharashtra
(Through Hinjwadi Police Station)

... Respondent

Mr Dhiraj B Bansode, for the applicant.
Mr Swapnil Pednekar, APP, for the respondent/ State.
API Somnath Panchal, Hinjewadi Police Station.

Coram: R.N. Laddha, J.

Date: 16 October 2025.

P.C.:

By this application, the applicant seeks bail in connection with CR No.1185 of 2024, registered at Hinjewadi Police Station, Pimpri-Chinchwad, for offences punishable under Sections 140(2), 142, 308(3), 308(4), and 308(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that approximately fifteen

days prior to the alleged incident, the informant's father, had intimated to the informant that he intended to travel to Kolkata along with their tenant (co-accused), who was residing on the informant's property. He also disclosed that the said co-accused would be bearing the entire cost of the proposed travel. Upon receiving this information, the informant and his mother expressed their strong reservations and attempted to dissuade him. They conveyed their concerns regarding the financial capacity of the co-accused, who was known to them as a coconut water vendor and had consistently defaulted on timely payment of rent. Subsequently, on 17 October 2024, the informant's father handed over his ATM card to his wife, citing its use for emergency purpose, and thereafter departed from the residence. When the informant returned home, he was apprised by his mother that his father had left the premises and had entrusted her with his ATM card. Given that the informant's father was known to frequently visit the Ashtvinayak temple, the informant presumed that his father had left for such a visit and did not attempt to establish contact.

3. However, on 18 October 2024, the informant received a telephonic call from his father's mobile number. Upon answering, the informant was confronted by an unidentified individual who enquired about his relationship. Upon the

informant confirming that he is son of Mr Yashwant, the caller disclosed that Mr Yashwant had been abducted. Shortly thereafter, the informant received a second call from the same mobile number, wherein the caller reiterated the claim of abduction and demanded a ransom amounting to Rs.1 Crore. The caller further issued a threat that Mr Yashwant would be killed if the informant disclose the incident to any third party or police authorities.

4. The learned Counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case and is neither named in the FIR nor assigned any specific role in the chargesheet. It is further submitted that the allegations pertained to the alleged kidnapping of the informant's father, who is stated to have accompanied the co-accused persons. There exists no material on record establishing any nexus or conspiratorial link between the applicant and the said co-accused. It is pointed out that no Test Identification Parade (TIP) was conducted during the course of investigation. Moreover, one of the co-accused has already been enlarged on bail, entitling the applicant to parity in consideration. The learned Counsel further submits that the investigation in the matter stands concluded and the chargesheet has been duly filed before the competent Court. It is further submitted that all

the co-accused persons, who are alleged to have abducted the informant's father, absconded from the scene of occurrence, and notably, no spot panchnama was prepared. The applicant was apprehended on 19 October 2024 and has since remained incarcerated. Despite the lapse of considerable time, charges have not yet been framed, and trial has not commenced. It is further submitted that the applicant has no criminal antecedents and is a law abiding citizen.

5. On the other hand, the learned APP has opposed the present application, contending that one of the co-accused persons remains absconding and has yet to be apprehended. It is further submitted that the offence is grave and serious in nature. The applicant is a resident of the State of Jharkhand, and the learned APP expressed apprehensions regarding the possibility of the applicant tampering with the prosecution evidence and influencing witnesses.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the record. It appears from record that the applicant is not named in the FIR. No spot panchnama has been effected in relation to the applicant. It is an admitted position that the applicant is not the person alleged to have kidnapped the father of the informant.

Furthermore, one of the co-accused has already been enlarged on bail. *Prima facie*, there appears to be no substantive material on record that directly implicates the present applicant in the commission of the alleged offence. The learned APP has not been able to point out any incriminating material against the applicant from the chargesheet. No TIP has been conducted in respect of the applicant. The investigation in the matter stands concluded and the chargesheet has already been filed. The applicant has been incarcerated since 19 October 2024 and continues to languish in jail. There has been no substantial progress in the trial proceedings, and the charge is yet to be framed. The mere fact that the applicant is a resident of Jharkhand cannot, by itself, constitute a valid ground for denial of bail, particularly in the absence of any material suggesting flight risk. There is no material on record to indicate that the applicant has any criminal antecedents. The concern regarding the tampering of the evidence or influencing of witnesses can be addressed by imposing appropriate conditions.

7. In view of the foregoing discussion and having regard to the totality of the circumstances, this Court is of the view that a case for grant of bail is made out. Accordingly, the following order is passed.

Order

(i) The applicant shall be released on bail in CR No.1185 of 2024, registered at Hinjwadi Police Station, Pimpri-Chinchwad, upon executing a PR Bond of Rs. 25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, either himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

(v) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

8. Accordingly, the bail application stands disposed of.

[R.N. Laddha, J.]