

MHKO010037402014



**Order below Exh. 27 in Sessions Case No. 161/2014.**

1. This is an application filed under section 439 of Cr.P.C. as accused is arrested in Crime No. 247 of 2013 under Sections 120-B, 364-A, 386 read with 34 of the Indian Penal Code registered with Shahupuri Police Station, Kolhapur.

2. It is the case of the prosecution that the Police Control Room received an information that on 25<sup>th</sup> October, 2013 one boy aged 19 to 20 years passing on two wheeler was assaulted by three persons came in Alto Car and forcibly put the boy in car and went away in high speed. One unknown person gave information to police. Police taken search of said car and get the information of the kidnapped boy but could not collect any information. On 29<sup>th</sup> October, 2013 news was published in local news paper that the father of the kidnapped boy was to pay ransom of Rs.15,00,000/- for release of his son. On the basis of said news the police took cognizance and API V. G. Sarvade lodged report on 1.11.2013. On the basis of which above referred crime registered against this accused and other co-accused.

3. This accused filed application for Anticipatory Bail Application No. 262 of 2014 in High Court, Bombay. The Hon'ble High Court, Bombay vide order dt. 7.3.2014 granted Anticipatory bail to this accused by imposing certain terms and conditions. The copy of said order is filed on record along with chargesheet. Now the case is committed before this Court for trial. Hence, the accused has filed this application for granting bail under Section 439 of Cr.P.C.

4. Following points arise for my determination and I have recorded my findings against for the reasons given thereunder :-

<u>Points</u>	<u>Findings</u>
1. Whether the applicant is entitled to be released on bail ?	– Yes.
2. What order ?	– As per final order.

**- REASONS -**

**As to point no.1 and 2 :-**

5. Heard arguments of both sides. Learned counsel Mr. S. R. Dhumal reiterated the contents of the application during his argument.

6. As against this Learned APP Smt. A.A. Patole submitted that offence is serious. There are criminal antecedents. If accused is released on bail there is possibility of tampering prosecution evidence. He will flee away from the justice. There is possibility of repetition of crime. Hence, his application for bail may be rejected.

7. On hearing submissions of both sides I have gone through the documents filed along with chargesheet. It appears that this accused is implicated in this case on information given by the other co-accused. Now the investigation is completed and chargesheet is filed. Nothing remaining to be recovered or discovered. All other accused granted bail. This accused also availed anticipatory bail by above referred order dt. 7.3.2014 in Crim. Bail Application No. 262 of 2014 from the Hon'ble High Court, Bombay. In these set of facts and circumstances I am of the view that the accused is not required to be detained in jail by way of punishment before conclusion of trial. In regard to apprehension of prosecution imposing conditions on accused will suffice the purpose of the prosecution. Hence, I answered point No. 1 in the affirmative and proceed to pass following order :-

**ORDER**

1. Application is allowed.
2. Accused Vijay @ Kalaba Rambhau Gaikwad be released on bail on executing P.B. of Rs.30,000/- and furnishing one or two sureties in like amount by him on following conditions.
  - A. He shall not commit an offence similar to the offence of which they are charged.
  - B. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer to tamper with the evidence .

Date : 29.6.2020.

( B.D.Shelke )  
Additional Sessions Judge, Kolhapur.