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

BAIL APPLICATION NO.577 OF 2015

Azad Nannu Meu@Khan	... Applicant
Vs	
The State of Maharashtra and Anr.	... Respondents

Ms.Nazneen Khatri, for the Applicant.

Mr.S.S.Pednekar, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 31st AUGUST, 2015

P.C.:

1. Heard the learned counsel for the Applicant and the learned APP for the Respondent-State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.182 of 2014 registered with the Shahu Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 342, 387, 120-B, 364(A) r/w 34 of the Indian Penal Code. Subsequently the said investigation was transferred to the D.C.B., C.I.D and was renumbered as CR No.69 of 2014.

3. The complainant is one Pankaj Ramkumar Gupta. He has alleged that on 6th August, 2014 one Rahul (original accused no.3) called up the complainant and asked him to meet him at Haryana. Accordingly, the complainant sent his brother – Pravin from Bombay to meet the said Rahul at Faridabad, Haryana. It is alleged that the brother of the complainant was confined by the accused persons and was later abducted and a ransom of Rs.5 lacs was demanded from the complainant for releasing his brother – Pravin. Pursuant to the complaint lodged by the complainant, a trap was laid in Rajasthan and on 9th August, 2014 while accepting ransom all the five accused persons including the present applicant came to be arrested.

4. Learned Counsel for the applicant states that there is no material to connect the present applicant with the alleged offences. She submitted that the applicant was only a driver of the vehicle in which the accused were travelling. She submitted that the voice sample in the said case is not of the present applicant.

5. Learned APP opposed the bail application. He submitted that the

applicant along with four other accused was apprehended red handed, while accepting a ransom. He submitted that the present applicant has been identified by the victim – Pravin in the identification parade. Even otherwise, he submitted that charge has been framed in the said case in the year 2014.

6. Perused the charge-sheet. It appears that the applicant was present along with the other accused when a trap was laid and the accused were apprehended accepting the ransom. Whether the applicant was only a driver, whether he had knowledge or not, or whether he played a major role in the alleged abduction is a matter which will be decided by the Trial Court after recording of the evidence. Prima-facie, considering the material on record which is in the form of identification parade and also considering the fact that the charge has been framed, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the Application for bail is rejected and disposed of as such.

8. Needless to observe, that the trial court shall decide the case on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.