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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.327 OF 2016**

Sameer Nanhe Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Shailesh Kharat, for the Applicant

Ms. S.S. Kaushik, A.P.P for the Respondent-State

PSI – Sachin Lokhande, Nagpada Police Station, Mumbai.

***CORAM : REVATI MOHITE DERE, J.
DATE : 5th JULY, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 158 of 2015, registered with the Nagpada Police Station, for the alleged offences punishable under Sections 363, 387, 364(A) r/w 34 of the Indian Penal Code.
3. Learned Counsel for the Applicant seeks bail on the ground of parity. He submitted that out of 4 accused in the aforesaid C.R., 3 accused

have been enlarged on bail. He relied on the order dated 28th January, 2016, passed by this Court (Coram:A.S.Gadkari,J.) in Criminal Bail Application no.1749 of 2015, enlarging the co-accused – Adnan Abbba Naik @Ruju on bail. He submitted that the present applicant has not been identified by the victim boy who was allegedly kidnapped by the applicant, in the identification parade. He submitted that as far as identification of the applicant by Mohd. Shahalam is concerned, this Court had expressed some doubt over the said identification. He submitted that the applicant has no antecedents.

4. Learned APP does not dispute the fact that all the 3 co-accused have been enlarged on bail and that the role of the present applicant is at par with the co-accused who have been enlarged on bail. She submits, on instructions, that there are no antecedents, qua the present applicant.

5. Perused the papers. Investigation is complete and charge-sheet is filed. The applicant has not been identified by the victim boy, who was allegedly kidnapped by the applicant, in the identification parade. The applicant's role is similar to that of the co-accused - Adnan Abbba Naik

@Ruju who has been enlarged on bail by this Court (Coram:A.S.Gadkari,J.) vide order dated 28th January, 2016, in Criminal Bail Application no.1749 of 2015

6. Considering the aforesaid, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount;
- (ii) The applicant shall attend the Nagpada Police Station on the first Saturday of every month between 11:00 a.m. to 12:00 noon, till the conclusion of the trial;
- (iii) The applicant shall not enter the jurisdiction of Mumbai Police Commissionerate, except for attending the Court dates and reporting to the Police Station;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any persons concerned with the case;

(vi) The applicant shall attend the Sessions Court on every date of the hearing and to cooperate with the conduct of the trial;

(vii) An undertaking to the aforesaid clauses (ii) to (vi) shall be filed by the Applicant, in the Trial Court, within two weeks of his release.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.