

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1713 OF 2016

Mastan Abdul Razak Shaikh

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Ajay Singh for Applicant.

Mr. A.S. Patil, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 5th October 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.148 of 2016 dated 22.5.2016 registered with Byculla Police Station, Mumbai under Sections 364(A), 385, 389, 342, 170, 120(B), 506 read with 34 of the Indian Penal Code.

2 The first information report is lodged by Shri Juzer M. Sangothwala. It is the prosecution case that, the co-accused Nos.1,2 and 5 were the friends of the complainant. That the said co-accused in conspiracy with accused No.3 who himself stated to be the CBI Officer abducted the

complainant and created a scene that an amount of Rs.10 lacs to be paid to the CBI Officer (accused No.3) as a ransom for the release of the complainant and the said amount was allegedly paid by accused Nos.1,2 and 5 for release of complainant to the accused No.3 the alleged CBI Officer. It is the further prosecution case that the applicant was a driver of a Zylo Car from which the said alleged CBI Officer came at the scene of offence. It is the prosecution case that, the accused Nos.1,2 and 5 in reciprocation of payment of Rs.10 lacs kept the car of the complainant with them and for its release demanded Rs.10 lacs which they alleged to have paid to the accused No.3, the alleged CBI Officer. After lodgment of the first information report by the complainant, the police conducted investigation and after completion of investigation have submitted chargesheet.

3 Heard the learned counsel for the applicant, the learned APP and also perused the entire chargesheet annexed to the application.

4 It reveals from the record that the applicant was a driver of the said car from which the alleged CBI Officer i.e. accused No.3 travelled to the scene of offence and from the said complainant was abducted. Prima facie it appears from the record that the Investigating Agency has not conducted test identification parade as far as the applicant is concerned. It

prima facie further appears that there is no other evidence on record to connect the applicant with the present crime and his involvement is on the basis of the statements of the co-accused. In view of the same, the applicant has made out a case for his release on bail.

5 Hence, the following Order:

(i) The applicant be released on bail in CR No.148 of 2016 registered with Byculla Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Byculla Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m.. to 2.00 p.m.

(iii) The applicant shall also attend all the dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(v) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

6 The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)