

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1749 OF 2015

Shri. Adnan Abbba Naik @ Ruju.	...Applicant.
vs.	
The State of Maharashtra.	...Respondent.

WITH
BAIL APPLICATION NO.1713 OF 2015

Shri. Shanawaz Matlub Khan.	...Applicant.
vs.	
The State of Maharashtra.	...Respondent.

Smt.Pranali Kakade i/by Ashish Dubey for the Applicant in BA No.1749/2015.

Mr. Niranjan Mundergi for the Applicant in BA No.1713/2015.

Smt.S.D.Shinde, APP. for the State,.

Mr. Misalm PSI, Nagpada Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 28th January, 2016

P.C.

The applicant in Bail Application No.1749 of 2015 is original accused No.1 and the applicant in Bail Application No.1713/2015 is the original accused No.2. The applicants are seeking bail in CR No.158/2015 registered with Nagpada Police Station, Mumbai dated 11.4.2015 under Section 363, 364A, 387 read with 34 of the Indian Penal Code.

2) It is the prosecution case that the applicants along with other accused persons abducted and kept unlawfully victim by name

Aman E. Jamadar for ransom on 11.4.2015 between 1 to 1.30 p.m. At about 6.00 p.m. the accused persons released the said boy near the vicinity. The first information report is lodged by the father of the said boy namely Mr. Rehman Jamadar after receipt of the phone call on his mobile phone for ransom of Rs.3.00 lacs for the release of his son. As stated above, the said victim boy Aman reached at his home at about 6.00p.m. After lodging the FIR on 11.4.2015 the police conducted the investigation and have filed the charge sheet.

3) The evidence on record discloses that the statement of the victim i.e. minor child by name Master Aman is recorded on 12.4.2015 wherein he has given certain names including the name of accused No.4 The said boy has stated that accused No.1 Shanawaz who is his real uncle gave him a chocklate and thereafter accused No.1 went away. That some persons came to him stating that Shanawaz uncle is calling him and therefore, he went with them. The said person took him in taxi and left the place. The said victim boy has also stated that the driver of the said taxi and other person Raju uncle had been to his house on earlier occasion. It is to be noted here that in the test identification parade conducted of the applicant, the said victim boy did not identify any of the accused persons as person who has abducted him.

The prosecution has put forth another circumstance of person giving phone call on 11.4.2015 at about 1.30p.m. The name of the said witness is Mohammed Shaalam Reis Shaikh. The said witness has stated that on 11.4.2015 at about 1.30 p.m. one person came to his shop and gave two phone calls to somebody and paid Rs.4/- for the same. The police have now traced out the receiver of

the said phone call as the complainant herein. It is surprising to note that the said witness namely Mohd. Shahalam have identified all the four persons in the test identification parade. That, he has not given any specific description of role to the accused persons. It is surprising to note that the said witness in his statement has stated that only one person came to his shop. He has identified the other accused persons without knowing and observing them prior to it. Except the above two circumstances there is no circumstance put forth against the Applicants. In view of the above, the applicants have made out a case for their release on bail.

Hence, the following order.

ORDER

- a) The applicants be released on bail in CR No.158/2015 registered with Nagpada Police Station, Mumbai on their furnishing PR bond of Rs.50,000/- each with one or two solvent sureties in the like amount.
- b) After their release the applicants shall not enter the jurisdiction of Mumbai Police Commissionerate except for attending the Court dates.
- c) The applicants are permitted to enter the jurisdiction of Mumbai Police Commissionerate to attend the Court dates between 10 a.m. to 5.30 p.m. The applicants thereafter withdraw themselves from the said jurisdiction immediately.
- d) After release from Jail the applicants shall provide their place of residence where they are going to reside along with the proof of documents. That be done within 2-weeks from the date of release from Jail.

- e) Any single default in attending the court date shall attract the proceeding under Section 439(2) of the Cr .P .C.
- f) The applicants shall not tamper with the evidence and or influence the prosecution witnesses.
- g) The applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)