

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

BAIL APPLICATION NO. 2477 OF 2016

Mr. Mohammed Atif Hamid Saadan	.. Applicant
Versus	
The Senior Police Inspector, MIDC Police Station, Andheri, Mumbai, & Anr.	.. Respondents

Mr. Sharif Shaikh, Advocate for the Applicant.
Ms. S.S. Kaushik, A.P.P for the Respondent – State.
Mr. Yogesh Pawar, P.S.I. M.I.D.C. Police Station, present.

CORAM : N.W. SAMBRE, J.

DATED : 9th DECEMBER, 2016.

P.C. :

1 The applicant is seeking regular bail in Crime No. 394 of 2016 for the offences punishable under Sections 365, 363 r/w. 34 of the Indian Penal Code.

2 It is the case of the prosecution that applicant's uncle Naeem was blessed with a son. Naeem parted with the company of his first wife i.e. complainant herein and married for the second time after executing alleged khulanama. The applicant along with co-accused has kidnapped the son of the complainant born out of her relationship with said Naeem. It is not even disputed that presently the custody of the minor child with accused Naeem.

3 The applicant came to be arrested on 07.09.2016 in the crime No.394 of 2016 for the offences punishable under Sections 365, 363 r/w 34 of the I.P.C. The investigation in the matter is complete, charge sheet is already filed.

4 The role attributed to the present applicant is that of admitting the crime along with Naeem for kidnapping a boy. After the charge sheet is filed, I hardly see any reason to refuse bail as investigation against the applicant is already over who has co-operated with the investigating agency.

4 I am told that main accused Naeem is not co-operating with the Investigating Agency, who is already protected by this Court in an anticipatory bail application. The parameters to be considered while deciding the claim of said Naeem for grant of anticipatory bail will be altogether different than the parameters which are taken into consideration in the present case.

5 There are no criminal antecedents. The applicant appears to be boy of 20 years, In the above referred background, the application needs to be allowed.

6 The applicant be released on bail on furnishing PR. Bond of Rs.25,000/- with one or two sureties in the like amount. The applicant shall attend the Court regularly as the charge sheet is filed two consecutive absence of the applicant before the Court below will give a liberty to the said Court to proceed with cancellation of bail if such offence is arise without being influenced by this Court.

7 The learned counsel for the applicant volunteers that after any case if the Naeem is arrested, and Investigating Officer requires any co-operation from the applicant, the applicant shall attend the Investigating Officer as and when called.

(N.W. SAMBRE, J.)