

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

CRIMINAL BAIL APPLICATION NO. 1283 OF 2017

Maqbool Hussain Khalil Husain Sayed ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Vinod Tayade for the applicant.

Mr. Amit Palkar, APP for the respondent – State.

PSI A. P. Bhatkar, L. T. Marg Police Station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6 JULY, 2017

P.C. :

1. The applicant is seeking regular bail in connection with C.R. No.16 of 2017 registered with L. T. Marg Police Station, Mumbai for offence punishable under sections 364(A), 323, 506 read with 34 of IPC.

2. The prosecution case is that on 18th January, 2017, the victim Suresh was abducted by the accused. The victim is resident of Mumbai. When father and wife of the victim called him he informed that he is in difficulty and he has been abducted. The prosecution case is that the victims were abducted in order to recover money from them. It is alleged that the victim and his associate wanted to exchange old notes on account of demonetization. The old notes were taken away by one Johnand Arya, and they vanished. Since the

said currencies were taken away by them, the co-accused Habib was annoyed and the victim and his friend Nilesh Kajave were detained. The accused were demanding an amount of Rs.10 lakhs. It is alleged that they were also assaulted. The father of victim lodged complaint with the police. The victim was set free by the accused on realizing that the complaint has been lodged against them.

3. Learned advocate for the applicant submits that false case has been registered against applicant. He submitted that from the contents of the FIR and the statement of Nilesh Kajave, it is apparent that they have concocted version against the applicant and others. It is submitted that name of applicant is not reflected in FIR and the same was disclosed subsequently. It is submitted that the applicant is in custody from 20th January, 2017 and further custody is not necessary.

4. Learned APP opposed the application for bail. Learned APP submitted that the accused have committed serious crime. They have abducted and the victims were assaulted. The offence under section 364(A) is punishable with severe punishment. It is further submitted that the statement of the witness implicate the applicant in the said crime. The call records indicate the presence of the applicant at the scene of offence.

5. On perusal of the documents on record, it appears that the alleged incident had occurred on 18th January, 2017. It is the prosecution case that the money belonging to Habib were taken away by the co-accused viz. Arya and John and for that reason Habib was

annoyed and therefore the victim and his associate were abducted. There was a demand of Rs.10 lakhs as alleged, however, the money was not parted. It is not the case of the prosecution that the applicant is extortionist or is connected with any gang indulging in such activities. There are no criminal antecedents against him. He is in custody from 20th January, 2017. On completing investigation, chargesheet has been filed. In view of these circumstances, the applicant can be granted bail.

:: ORDER ::

- (i) Bail Application No.1283 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Thousand Only.) with one or more sureties in the like amount.
- (iii) The applicant is directed to report L.T. Marg Police Station, Mumbai once in fortnight on Saturday between 11.00 am to 1.00 pm till further orders.
- (iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]