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

CRIMINAL BAIL APPLICATION NO.1456 OF 2017

Maqdoom Bashir Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Gaurav Gokhale, i/b Mr.Pankaj P., for the Applicant.

Mr.Ajay Patil, A.P.P for the Respondent-State.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.16 of 2017 registered with the L.T.Marg Police Station, for the alleged offences punishable under Sections 364(A), 323, 506(2) r/w 34 of the Indian Penal Code and under Section 37(1) of Maharashtra Police Act.

3. Learned Counsel for the applicant submits that the admittedly the applicant was not present at the spot when victim Suresh was abducted. He submitted that no money was parted in the said case. He submitted that the applicant was arraigned as an accused only because he was present on the next date.

4. Learned APP opposed the application. He submitted that there is an antecedent, qua the applicant, of the year 2014.

5. Perused the papers. On 18th January, 2017, Suresh was abducted by the accused. When the parents of Suresh learnt that Suresh was abducted and was in difficulty, they came to Mumbai. According to the prosecution, Suresh was abducted only to recover money. It is alleged that the victim and his associate wanted to exchange old notes on account of demonetization and that the old notes were taken away by one Johnand Arya, who subsequently vanished. Since the said currency was taken by them, co-accused – Habib was annoyed, pursuant to which, the victim and his friend – Nilesh were detained and an amount of Rs.10 lakhs was demanded. It appears that Suresh was set free by the accused, when they

learnt that a complaint was lodged against them. Admittedly, no money was parted and the applicant was not present when Suresh was abducted. The applicant is in custody since January, 2017. Investigation is complete and charge-sheet is filed. Co-accused – Maqbool Hussain Khalil Husain Sayed has been enlarged on bail by this Court (Coram:Prakash D.Naik,J.) vide order dated 6th July, 2017, passed in Bail Application No.1283 of 2017.

6. Considering the aforesaid, the application is allowed and 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.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till framing of charge;
- iii) 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 trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)