

Anand

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

BAIL APPLICATION NO.1748 OF 2017

Saqib Jumma Khan .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Anjali Patil a/w. Mr.A.Rajput, Advocate, for the Applicant
Ms J.S.Lohakare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 01.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.445/2015 registered with the V.P.Road Police Station, Mumbai (which was subsequently transferred to the Anti Extortion Cell, DCB, CID, Mumbai and renumbered as C.R.No.108/2015) for the alleged offences punishable under Sections 364A, 365, 342, 323, 387, 120B of the Indian Penal Code and under Sections 3 and 25 of the Arms Act.

3. Learned counsel for the Applicant seeks bail on the ground

of parity. She submits that the Applicant is better placed than co-accused – Munsaid Harun Khan, who has been enlarged on bail by this Court (Coram : Prakash D. Naik, J.) vide Order dated 14.07.2017 passed in B.A.No.407 of 2017. She further submits that admittedly, the Applicant is not the person, who took the Complainant by flight to Delhi or threatened the Complainant. She submits that the Applicant is alleged to have received stolen property i. e. Rs.3,00,000/- which is the ransom amount. Learned counsel for the Applicant states that the Applicant has no antecedents. Statement accepted.

4. Learned APP does not dispute the fact, that apart from having received ransom money of Rs.3,00,000/-, there is no other allegation as against the Applicant.

5. Perused the papers, as well as the Order dated 14.07.2017, by which co-accused - Munsaid Harun Khan was enlarged on bail. According to the prosecution, the Complainant is in the business of import export of copper metal. The Complainant has alleged that he was contacted by one person, stating that he is Rahul Jain and offered copper metal for sale. As the proposal was attractive, the Complainant accepted the same. Pursuant thereto, the Complainant flew to Delhi. On reaching

Delhi, he was received by one person and was taken to a place on the pretext of completing the transaction. The Complainant was detained in the said room and was threatened by the accused to part with Rs.10,00,000/-. The said amount was paid, pursuant to which, the Complainant was released by the accused. FIR was lodged as against unknown persons. Admittedly, the Applicant has not been identified in the identification parade. The Applicant is not the person who took the Complainant from Delhi airport to the premises, where he was holed up. The Applicant is stated to have received ransom money of Rs.3,00,000/-. Investigation is complete and charge-sheet is filed. It is informed by the learned counsel for the Applicant that the Applicant has no antecedents.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.50,000/-** with one or two local solvent sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **1st Saturday of every month** between

10.00 a.m. to 11.00 a.m. till the framing of charge;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate in the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)