

Anand

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

BAIL APPLICATION NO.1766 OF 2017

Shaukat Ali Jabbar Ali Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.Sorankar, Advocate, for the Applicant
Ms J.S.Lohakare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.09.2017

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.56 of 2017 registered with the Malwani Police Station, Mumbai, for the alleged offences punishable under Sections 363, 344 & 346 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that investigation is complete and charge-sheet is filed. He submits that the Applicant is in custody since 21.01.2017 and that the Applicant has no antecedents.

4. Learned APP opposes the Application.

5. Perused the papers. According to the Complainant – Smt. Dularidevi Dineshkumar Mishra, she received a call on 08.01.2017 at about 11.00 p.m. from Brijeshkumar. She has alleged that Brijeshkumar disclosed to her, that as her brother – Bajrangi, who was working with him, had ran away with Rs.3,00,000/-, he had kidnapped her husband – Dineshkumar. She has alleged that Brijeshkumar disclosed to her, that if she failed to pay the said amount, he will not leave her husband. She has further alleged that on 10.01.2017, Brijeshkumar again called and threatened her and asked to bring a sum of Rs.1,50,000/-. On 11.01.2017, Brijeshkumar permitted the Complainant's husband to talk with the Complainant. She has alleged that her husband told her, that Brijeshkumar would not leave him, unless he receives the amount. The Complainant disclosed the aforesaid facts to her relatives, pursuant to which, the Complainant and Pawankumar came to Mumbai on 16.01.2017. Pursuant thereto, on 21.01.2017, the aforesaid complaint was lodged alleging the aforesaid offences. After registration of the FIR, the police laid a trap on 22.01.2017, pursuant to which, all the accused including the Applicant were arrested. The victim – Dineshkumar has named the Applicant as being one of the persons. Admittedly, no money

was parted by the Complainant. It appears that as the Complainant's brother had taken a sum of Rs.1,50,000/- from Brijeshkumar, pursuant thereto, the Complainant's husband was abducted. Investigation is complete and charge-sheet is filed. The Applicant has no antecedents. Accordingly, 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.30,000/-** with one or two local 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.** for a period of 12 months;
- (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.

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

7. 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.)