

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

BAIL APPLICATION NO.1203 OF 2020

Salman Mohammad Hanif Shaikh	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Shantanu R. Phanse, Advocate for the Applicant.

Mr.S.S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : APRIL 7th, 2021.

P.C. :

Applicant is arrested on 15th February, 2020, in connection with C.R.No.82 of 2020, registered with Narpoli Police Station, Bhiwandi, Thane, for the offences punishable under Sections 364(A), 387 and 120-B of Indian Penal Code. Applicant was impleaded as accused no.5.

2 The case of the prosecution is that first informant is the wife of victim, who was allegedly abducted by the accused. He was employed as a Manager with Universal Exports company. On 6th February, 2020, complaint was lodged that the victim had left the house on 5th February, 2020, and, did not return home.

His phone was not traceable. Missing complaint was lodged. On 6th February, 2020, complainant received a call from unknown number and the caller had demanded money for safe custody of her husband. Caller demanded ransom of Rs.15,00,000/-, from her. She gave a call to the employer of her husband. FIR was lodged. Investigation proceeded. The victim was rescued on 7th February, 2020. Alongwith him one person was found in the premises where he was confined. They were arrested. It is alleged that the complicity of the applicant was disclosed during the investigation. The prosecution is relying upon statements of co-accused and the CDR location. On completing investigation, charge-sheet is filed.

3 Learned counsel for the applicant submitted that there is no evidence to show the involvement of the applicant. There are no calls between the applicant and the co-accused. The prosecution is trying to connect applicant on the basis of CDR location. The victim has not disclosed the identity of the applicant. There was no test identification parade. There is no eye witness to the incident. There are no criminal antecedents against the applicant.

4 Learned APP submitted that the victim was in the company of co-accused from Pune to Ambernath. CDR location shows that the applicant and co-accused were together, at the relevant time. During investigation involvement of the applicant was disclosed.

5 There is no direct evidence to show the complicity of the applicant in the crime. The victim has not disclosed the identity of the applicant as a person who had abducted him. The prosecution is primarily relying upon the disclosure made by him during the investigation, which cannot be accepted, as evidence. Merely on the basis of CDR location, no adverse inference can be drawn against the applicant. Considering the nature of evidence, further detention of the applicant is not warranted. Bail can be granted to the applicant.

:: ORDER ::

- (i) Bail Application No.1203 of 2020, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.82 of 2020, registered with Narpoli Police Station, Bhiwandi, Thane, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more local sureties in the like amount;

- (iii) Applicant shall report the concerned police station once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;
- (iv) Applicant shall not tamper with the prosecution evidence;
- (v) Bail Application No.1203 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)