

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 555 OF 2022**

Nadim Nasir Khan	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. Nitesh Mohite for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State/Respondent.

**CORAM: BHARATI DANGRE, J.
DATED : 15th NOVEMBER, 2022**

P.C:-

1. The applicant claim parity with co-accused Amit Ghosh and Umesh Makhija, who are released on bail by this court on being accused of offences punishable under sections 364 A, 120B, 201 read with section 34 of IPC in CR No. I-220 of 2020 registered with Hill-LinePolice Station.
2. The prosecution alleged that one Sunny Anwani, aged 36 years was kidnapped and phone call was made for the purpose of ransom to his father Shyamlal Anwani.

In the supplementary statement of the victim he has identified the accused persons by assigning specific roles to them. A person, who was already occupying the place in the

rikshaw in which he was kidnapped is identified to be Umesh Deepak Makhija and he is alleged to have threatened the victim by a Pistol lighter. He also identified the present applicant as a person, who subsequently boarded the rikshaw. The rikshaw driver has been identified as Sadik B Sayyed and Amit Ghosh is identified as the person, who had hatched the entire conspiracy to kidnap him, as he was known to the family of the victim, and once upon a time was working with them.

3. While considering the application of Umesh Makhija, this court has observed as under:

“5. Applicant has already suffered incarceration for more than one year. There are no criminal antecedents against the applicants and he is very much available to face the trial.

6. Even if applicant is identified by the complainant and counsel for the applicant has claimed technical defects while conducting identification parade, this Court is not required to appreciate the same. Suffice it to say that the applicant is very much available for facing prosecution and there are no criminal antecedents, applicant be released on bail in Crime No.220 of 2020 registered with Hill Line Police Station for the offence punishable under Sections 364A, 201, 120B r/w 34 of IPC on executing P.R.

bond of Rs.25,000/- with one local surety in the like amount”.

4. I see no reason why the aforesaid observations cannot be extended to the present applicant as he has been identified by the complainant as one of his abductor. Hence the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Nadim Nasir Khan shall be released on bail in connection with C.R.No.I-220 of 2020 registered with Hill-Line Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall mark his attendance before the concerned police station on first Saturday of the trimester and, shall attend the trial on regular basis and, thereafter, shall abide by the directions issued by the trial Court.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him

from disclosing the facts to Court or any Police Officer.

The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)