

PMB

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

BAIL APPLICATION NO.2557 OF 2022

AASIF JAWAN KHAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Kuldeep Patil a/w Mr. Vivek Patil i/b. Ms. Saili N. Dhuru
for applicant.

Mr. N. B. Patil, APP for State.

Mr. D. R. Jarwal, API, Dombivli Railway Police Station,
Mumbai Railway.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 28, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned
APP.

2. This is an application for bail by the applicant-Aasif
Jawan Khan in connection with C. R. No.75 of 2022
registered with Dombivli Railway Police Station, under
Sections 384, 387, 364A, 342, 504, 506, 120B, 465, 468,
470, 471, 170, 171, 420 read with Section 34 of the Indian
Penal Code, 1860.

3. The applicant came to be arrested on 12/04/2022. The arrest was in respect of an incident which took place on 05/04/2022 at around 11.15 to 11.20 p.m. It is alleged by the complainant that when he was working alongwith his colleague Mr. A. O. Chaudhari, three unknown persons came to the office of the complainant and told him to come out as the Police Inspector wants to talk to him. It is further alleged that after the complainant came out of his office, one of the unknown person caught his hand, while the other one snatched his phone. It is further alleged that the third person took away the bag belonging to the complainant. These unknown persons were wearing mask and made the complainant wear one as well. The complainant was taken by these unknown persons towards Thakurli City wherein a Red coloured Brezza Car was waiting. A demand of Rs.10 lakhs was made with a threat that the amount should be paid to the accused if the complainant wants to continue his job peacefully. The complainant was compelled to call his wife and direct her to arrange an amount of Rs.10 lakhs. At around 1.30 a.m., the complainant received a call from his

senior colleague namely Mr. A. O. Chaudhary who asked the complainant about his whereabouts. It is further alleged that as the complainant was scared of the kidnappers, he lied to his colleague that he shall come to the office after having his food. Thereafter, the senior of the complainant directed him to resume his duty otherwise he shall trace his location. Hearing this conversation between the complainant and his senior, the accused persons realised that they may get traced and therefore, immediately dropped the complainant at Thakurli railway station and fled away.

4. One of the witness i.e. senior of the complainant has stated that the complainant had indicated to him after he came back to the office that he does not want to stretch the matter any further. The FIR was registered after 23 hours. There is some delay in lodging the FIR.

5. The applicant is a student of MBBS. He was studying MBBS at Ukraine. Due to war like situation, the applicant had returned back to India and attending the online classes. The applicant is from Rajasthan. The applicant was arrested on 12/04/2022 and he is in custody

for more than 7 months. The applicant had accompanied the accused. Though the demand was made, the ransom amount was not actually paid. There is no recovery to be made. The applicant is a student who has been behind the bars for more than 7 months. The chargesheet has already been filed. It is the contention of learned APP that two of the accused are still absconding and therefore, there is every likelihood that the applicant will abscond. He apprehends that if the applicant will leave the country, he will not attend the trial.

6. In my opinion, having regard to the facts and circumstances of the present case, it would not be in the interest of justice to prolong the custody as stringent conditions can be imposed on the applicant. The applicant is a medical student. Learned counsel for the applicant on instructions makes a statement that the applicant will make himself available for trial.

7. Hence, the following order :-

ORDER

(i) Bail Application is allowed.

(ii) Applicant- Aasif Jawan Khan shall be released on bail in connection with C. R. No.75 of 2022 registered with Dombivli Railway Police Station, on his furnishing P.R. Bond of Rs.1,00,000/- with one or more sureties in the like amount.

(iii) 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.

(iv) The applicant shall attend the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

(v) 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.

(vi) The applicant to handover the passport to the

Investigating Officer.

(vii) The applicant shall not leave India without prior permission of the Investigating Officer.

8. Bail Application is disposed of.

(M. S. KARNIK, J.)