

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 704 OF 2025

Amjad Mansoor Khan	.. Applicant
Versus	
The State Of Maharashtra	.. Respondent

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- Mr. Mohan Rawat, Advocate for Applicant.
 - Ms. Rajeshree V. Newton, APP for State.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025

P. C.:

1. Heard Mr. Rawat, learned Advocate for Applicant and Ms. Newton, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 273 of 2021 registered with Shivaji Nagar Police Station, Ambernath, District Thane, for the offence punishable under Sections 363, 364A and 120B of the Indian Penal Code, 1860.

3. According to the prosecution case, Applicant and co-accused kidnapped First Informant's son and demanded ransom of Rs.40 lacs for releasing the minor child. The prosecution case which can be seen from the chargesheet is that the Applicant before me at the behest of co-accused kidnapped minor son of the First Informant alongwith co-accused. Insofar as the dispute is concerned it is

prosecution case that it was between First Informant and the co-accused person in the present case. This fact is garnered when the order dated 5th March, 2025 passed in Criminal Bail Application No.1257 of 2024 is seen by the Court, wherein the contention of the learned APP is noted and recorded by the Court in paragraph No.4 thereof.

4. Mr. Rawat, learned Advocate for Applicant would persuade the Court to consider two submissions; firstly he would submit that Applicant is incarcerated for more than 3 and ½ years and next he would submit that while rejecting the two previous bail applications this Court had categorically granted liberty to the Applicant to move the Court if there was no progress in the trial. Insofar as the progress of trial is concerned I am informed that trial is at a standstill rather it has not commenced and charge has also not been framed.

5. In that view of the matter I am inclined to consider the Application of the Applicant on parity with the case of the other co-accused person at whose behest the Applicant had participated in the present crime. I have perused the order dated 5th March, 2025 by which the other co-accused in the crime has been granted bail. Hence, Applicant deserves to be released on parity.

6. Needless to state that appropriate conditions can be imposed to protect the First Informant and child in the present case.

7. Considering the above facts, further detention of the Applicant is not required. Hence, Bail Application is allowed subject to the following terms and conditions:-

(i) Applicant - Amjad Mansoor Khan be released on bail in Crime No.273 of 2021 registered with Shivaji Nagar Police Station, Ambernath, District Thane, on furnishing P.R. bond of Rs.15,000/- with one or two solvent sureties in the like amount;

(ii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses;

(iii) Applicant shall give attendance before the Investigating Officer once in two months on first Monday of the month, till framing of the charge;

(iv) Applicant shall not enter Ambernath City except for attending the Police Station and the Court dates till completion of trial; and

(v) Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

8. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

9. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]