

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1431 OF 2015

Mohammed Farid Siddiq Qureshi. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Anand H. Singh, advocate for Applicant.

Ms. S.S. Kaushik, APP for State.

Mr. Salunkhe, API, Mira Road Police Station.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 12, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein has surrendered before the
police on 1/7/2015. The applicant is being prosecuted for the offence
punishable under Section 306 read with Section 34 of the Indian
Penal Code.

3 It is the case of the prosecution that on 7th May, 2015 one Siraj Ahmed Ansari who happens to be the brother of deceased Mushtaq Ansari, lodged a report at the police station alleging therein that his brother had purchased a flat No. 405, E Wing, Sanghavi Empire, Haidry Chowk, Mira Road (E). That for purchasing the said flat, his brother had taken loan from Zakiruddin Sirajuddin Daudi to the tune of Rs. 11,50,000/-. That his brother had not returned the said amount within the stipulated time. His brother had taken handloan from Harun Khaja Shaikh to the tune of Rs. 5 Lakhs and he was to Rs. 6,50,000/- within 15 days. Since he could not pay the said amount within the stipulated time, he was being harassed by the persons from whom he had obtained the loan. They had tried to mediate with the help of ex-corporator.

4 It is alleged that the present applicant happens to be associate of Harun Shaikh from whom the deceased had taken handloan. It is alleged that on 2nd May, 2015, the present applicant had demanded more amount from the brother of the complainant. He was being

harassed for the same and hence, the brother of the complainant was constrained to commit suicide. Prima facie, it cannot be said that the applicant had abetted, instigated or facilitated commission of suicide. The brother of the complainant had obtained handloan, which he could not pay within the stipulated time. That Harun Shaikh was demanding for return of his amount. It cannot be said that at this stage, Harun Shaikh or the applicant had any knowledge or intention that the borrower shall commit suicide. In view of this, case for bail is made out.

5 The abovesaid observations are prima facie in nature and are restricted to decide the application under section 439 of the Code of Criminal Procedure, 1973. The same shall not be considered while deciding the application for discharge or quashing of FIR or at the time of trial. The learned Trial Court shall decided the same on its own merits in accordance with law uninfluenced by the above observations.

6 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the police station on 1st Sunday of every month between 10 a.m. to 1 p.m. till filing of the charge-sheet.
- (iv) Upon being enlarged on bail, the applicant shall furnish his permanent address, landline number, cell phone number to the investigating officer.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)