

Anand

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

BAIL APPLICATION NO.1498 OF 2017

Mohd. Riyaz Kamaluddin Sayed .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Sartaj Shaikh, Advocate, for the Applicant
Mr.V.V.Gangurde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.19 of 2017 registered with the Chembur Police Station, Mumbai, for the alleged offence punishable under Section 306 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant states that no offence as alleged is disclosed as against the Applicant. She submits that the deceased – Satish committed suicide on 14.01.2017 in a hotel room. She submits that it is alleged, that the Applicant had visited the deceased on

11.01.2017 and that except that, there is nothing on record which shows the Applicant's complicity.

4. Learned APP is unable to point out any material to show the complicity of the Applicant.

5. Perused the papers. The Complainant is Police Naik, Raju Bapurao Misal, who was attached to the Chembur Police Station, at the relevant time. On receiving information, that Satish (deceased) was not contactable, the Complainant and the Manager of the hotel, called a key maker and opened the room door. On opening the said room, Satish was seen hanging on the ceiling fan and there was a slit on his left wrist. It appears from the CCTV footage that the Applicant had visited the deceased on 11.01.2017. No suicide note was found. It appears that Satish (deceased) had taken some loan and that he was unable to repay the same. Learned APP is unable to point out whether he has any antecedents. Investigation is complete and charge-sheet is filed.

6. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.30,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on **every Monday between 10.00 a.m. to 11.00 a.m.** till the conclusion of the trial;
- (iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The Applicant to cooperate with the conduct of the trial;
- (v) The Applicant shall file an undertaking with regard to Clauses (ii) to (iv) within one week of his release in the trial Court;
- (vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)