

Anand

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

BAIL APPLICATION NO. 52 OF 2018

Meraj Ashraf Abdul Ansari .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Vijay Hiremath, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.04.2018

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. 203 of 2017 registered with the Khadakpada Police Station, Kalyan, for the alleged offences punishable under Sections 328, 304(2) r/w 34 of the Indian Penal Code.

3. Perused the charge-sheet. According to the Complainant – Suresh Shetty, the owner of a lodge, he received a call on 26.06.2017 from his Manager stating that one room was allotted to two persons i. e. the Applicant and Amol on 26.06.2017 at about 1.20 p. m.; that at about

6.20 p. m., the Applicant came to the counter shouting, and stated that his friend was unwell and that his friend had taken an injection containing a drug. According to the Complainant, pursuant thereto, he reached the hotel and called the police, who were patrolling at the relevant time and with the help of the Applicant, Amol was taken to Ayush Hospital, where he was declared dead. On 28.06.2017 the Applicant was arrested. Till date, the report as to the cause of death of Amol has not been received from the Forensic Science Laboratory. Prima facie, as of today, there is no material to show that the Applicant administered the injection or any stupefying substance, resulting in Amol's death. It is the prosecution case, that deceased Amol and the Applicant were addicted to drugs and were indulging in homosexual activities and that the Applicant and Amol had booked a room in Balaji International Lodging & Boarding on 26.06.2017. Prima facie, it appears that Amol died in the room due to an excessive dose of drugs. Whether or not, the Applicant was involved in Amol's death, is a matter which will be decided by the trial Court. In fact, one Shahbaz Tipu Sultan was also arrested by the police, as investigation revealed that he had sold the drugs to the Applicant on the date of the incident. Subsequently, Shahbaz was enlarged on bail by this Court. The Applicant is in custody since 28.06.2017. Investigation is complete and

charge-sheet is filed.

4. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The Applicant be released on **cash bail** in the sum of **Rs. 25,000/-** for a period of six weeks;

(ii) The Applicant shall furnish P. R. Bond in the sum of **Rs. 25,000/-** with one or two local solvent sureties in the like amount, within a period of six weeks of his release on cash bail;

(iii) The Applicant shall report to the investigating officer of the concerned police station on the **1st Sunday of every month** between **10:00 a. m. and 11:00 a. m.** till the conclusion of the trial;

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant to cooperate with the conduct of the trial;

(vi) The Applicant shall not leave the jurisdiction of Mumbai & Thane City, without the prior permission of the trial Court.

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

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)