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

**ANTICIPATORY BAIL APPLICATION NO.2022 OF 2018
WITH
APPP NO.1215 OF 2018**

Kalim Babumiya @ Khayamiya Shaikh

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi i/b Sumant Deshpande for applicant.

Mr. Amit Palkar, APP for State.

Mr. Vijaykumar Dighe for Intervener.

CORAM : A.S.GADKARI, J.

DATE : 6th December 2018.

P.C.:

1] By an Order dated 3rd October 2018, the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to cooperate in the process of investigation.

2] Heard the learned counsel for the applicant, the learned counsel for the Intervener and the learned APP for the State. Perused the record.

3] Interim relief was granted by this Court on the ground that, the co-accused Asif S. Shaikh who is similarly situated, has been granted pre-arrest bail by this Court by its Order dated 21.9.2018. In Para-4 of the

Order dated 21.9.2018 this Court has observed that, the suicide note allegedly written by Afzal does not prima facie indicate that, the applicant and others had demanded money or that he was being pressurized to pay the money to settle the case. The suicide note prima facie indicates that, Afzal had committed suicide as he was arrested in previous case and he felt humiliated and insulted because of the arrest of himself and his family members.

4] The present applicant is also similarly situated as that of Asif Shaikh who has been granted pre-arrest bail and therefore the applicant is entitled to be protected by pre-arrest bail on the ground of parity.

5] In view thereof, interim relief granted by Order dated 3rd October 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

6] In view of Order passed in A.B.A. No.2022 of 2018, Criminal Application (APPP) No.1215 of 2018 does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)