

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

BAIL APPLICATION NO. 2798 OF 2017

Shahbaz Tipu Sultan Khan @ Shaifu @ Salim ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr. Ram Upadhyay for the Applicant.

Mr. Ameet Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 1st FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. I-203 of 2017 dated 28.06.2017 registered with Khadakpada Police Station, District Thane under Sections 328 and 304(2) read with Section 34 of the Indian Penal Code.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

3 It is the case of prosecution that the deceased Amol Ukidave and co-accused Meraj Ashraf Abdul Ansari were addicted to drugs and were indulging into unnatural/Homosexual activities. That, on 26.06.2017, the co-accused Meraj Ansari and deceased Amol booked Room No. 203 in Balaji International Lodge, Shahad, Kalyan (W). That, the said two persons took drug through

injection and due to the excess dose of drug, Amol died in the said room. During the course of investigation, it is revealed that the Applicant sold the said drug (MD) to co-accused Meraj Ansari on the date of incident. The Applicant came to be arrested on 28.06.2017 and after completion of investigation, the police have submitted charge-sheet.

4 The record indicates that there is no evidence to connect the present Applicant with the crime as contemplated under Section 304(2) of the Indian Penal Code. It is an allegation against him that he supplied the said drug to the co-accused Meraj Ansari on the date of incident. The charge-sheet is silent about any evidence thereby connecting the present Applicant even with the said transaction and it appears that the Applicant has been arrested on the basis of the statement made by co-accused Meraj Ansari to the police.

5 In view thereof, the Applicant can be released on bail.

Hence, the following order:-

i) The applicant be released on bail in C.R. No.I-203 of 2017 dated 28.06.2017 registered with Khadakpada Police Station, District Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the applicant shall attend concerned Police Station once in month i.e. on every first Monday of the month between 11.00 a.m. to 2.00 p.m.

- iii) The applicant shall also attend all the dates before the Trial Court.
- iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)