

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1443 OF 2019**

Gulam Hussain Aziz Katoch

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Girish Pawar I/b Mr. Ashish Dubey for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. Tushar Kale and PI Mr. Balwant Deshmukh, from Powai Police Station, are present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 5th JULY 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 215 of 2019 registered with the Powai Police Station, Mumbai, for the alleged offences punishable under Sections 306 r/w 34 of the Indian Penal Code.

3 Learned Counsel for the applicant submits that taking the prosecution case as it stands, no offence as alleged under Section 306 of the Indian Penal Code is disclosed, against the applicant.

4 Perused the papers. The applicant is member of Aman Ekta Society. It appears that the applicant along with other members of Aman Ekta Society, lodged a complaint as against Mohammed Jamal Yusuf Shaikh (deceased), for having committed misappropriation of the society funds. Pursuant to the said complaint made by the applicant along with other members of the society, the MMRDA issued a notice dated 2nd April, 2019 to Mohammed Jamal Yusuf Shaikh (deceased), directing him to remain present before them on 16th April, 2019. On 18th April, 2019, Mohammed Jamal Yusuf Shaikh committed suicide, pursuant to which the aforesaid complaint came to be lodged.

5 *Prima facie*, taking the prosecution case as it stands, it is doubtful whether an offence under Section 306 of the Indian Penal Code is made out, as against the applicant. Admittedly, there is no suicide note left by the deceased. Similarly placed co-accused Farooq Shaikh and Javed Alam Shaikh have been granted pre-arrest bail vide order dated 20th June 2019.

6 Learned A.P.P does not dispute that the role of the applicant is identical to the said co-accused.

7 Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station, as and when called, till the filing of the charge-sheet;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall co-operate in the conduct of the trial.

8 The application is accordingly disposed of.

9 It is made clear, that the observations made herein are *prima facie* and are confined to the aforesaid application.

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

REVATI MOHITE DERE, J.