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

ANTICIPATORY BAIL APPLICATION NO.1456 OF 2019

Irfan Ismail Memon	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
ANTICIPATORY BAIL APPLICATION NO.1457 OF 2019***

Mohammed Mustakim Shaikh	
S/o. Mohammed Yasin Shaikh	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.A.K.Upadhyay, for the Applicants.

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

PSI – Tushar Kale, Powai Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th JULY, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By these applications, the applicants seek 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 applicants submits that taking the prosecution case as it stands, no offence as alleged under Section 306 of the Indian Penal Code is disclosed, against either of the applicants.

4. Perused the papers. The applicants are members of Aman Ekta Society. It appears that the applicants 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 applicants. Admittedly, there is no suicide note left by the deceased.

6. Considering the aforesaid, the applications are accordingly allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

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

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station on 17th July, 2019 and 18th July, 2019, between 10.00 a.m. to 12.00 noon;

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

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

7. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

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

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

REVATI MOHITE DERE, J.