

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

**ANTICIPATORY BAIL APPLICATION NO. 2243 OF 2019**

|                             |     |                   |
|-----------------------------|-----|-------------------|
| Samiullah Gulam Hazrat Khan | ... | <b>Applicant</b>  |
| <b>V/s.</b>                 |     |                   |
| The State of Maharashtra    | ... | <b>Respondent</b> |

-----

Mr.Advait Tamhankar for Applicant.  
Ms.J.S. Lohokare, APP for Respondent-State.  
Mr.Surendra Belkhede, API, EOW, Mumbai.

**CORAM : A.S. GADKARI, J.**

**DATE : 12<sup>th</sup> December 2019.**

**PC. :**

1] This is a successive application for anticipatory bail by the applicant. The earlier application for pre-arrest bail was rejected on merits by this Court by Order dated 13<sup>th</sup> February 2018. By an Order dated 28<sup>th</sup> November 2019 this Court had directed the Investigating Officer to file an Affidavit, placing on record the steps taken by him in arresting the applicant after 13<sup>th</sup> February 2018 till date.

2] Accordingly, the Investigating Officer Mr.Surendra Belkhede, Assistant Police Inspector, Economic Offence Wing, Mumbai, has filed an Affidavit dated 5<sup>th</sup> December 2019. In the said Affidavit, Investigating Officer

has stated that, the applicant is suffering from severe mental depression and is undergoing treatment. That the Investigating Officer has collected documents of medical treatment being administered to the applicant. Doctor Sajid Alli Khan has issued a Certificate dated 11<sup>th</sup> October 2019 stating that from the year 2016, the applicant is suffering from major mental depressive disorder and is having suicidal tendency. In addition to the other symptoms which are noted by the concerned doctor, the Investigating Officer in para No.10 of the Affidavit has made a categorical statement that, as the applicant is found to be suffering from mentally depressive disorder, the Investigating Agency decided not to arrest him. It is also stated that, due to the mental depressive disorder and in case of mental stress, the applicant may attempt to commit suicide and therefore, the applicant has not been arrested by the Investigating Officer, which is supported by medical reports collected from the concerned doctor. The said statement in para No.10 of the Affidavit of Investigating Officer is accepted.

3] In view of the above, the applicant is entitled to be protected by pre-arrest bail.

Hence, following order :-

- (i) In the event of arrest in CR No. 360 of 2016 registered with the Malvani Police Station, Mumbai and now being investigated by EOW having CR

No.63 of 2016, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two local sureties in the like amount.

- (ii) Applicant shall not leave the jurisdiction of Mumbai Police Commissioneriate without prior permission of the Trial Court.
- (iii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iv) Applicant to cooperate with the process of investigation.
- (v) Application is allowed in the aforesaid terms.

**[A.S. GADKARI, J.]**