

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1047 OF 2019

Mubin Ahmed Mohammed Hussain Tade	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Pankaj Pandey for applicant.
Mr.S.R.Agarkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st July 2021

PC :

1. The applicant is apprehending arrest in CR N.199 of 2019 registered with Mumbra Police Station for offence under Section 304(2) r/w 34 of Indian Penal Code. The FIR was registered on 20th March 2019.

2. The case of prosecution is that the victim was a drug addict. He was admitted to rehabilitation centre namely Sunrise Foundation at Karjat. He was there for a period of six months. The informant is the father of victim. In March-2019 the victim Naeem again started consuming drugs. Thereafter he was taken to Al Tayyabin Centre, at Kausa on 15th March 2019. On 18th March 2019 the informant was informed that the victim had fallen at the rehabilitation centre. He had sustained injury over his eye. He was not taken immediately for treatment and he died. Hence, the FIR was lodged against applicant and others. The applicant, Iqbal Kazi and Rais Rashid Khan were managing the said rehabilitation centre.

3. The co-accused Iqbal Kazi had expired due to Covid-19 and his application was disposed of as infructuous. Accused Rais Rashid Khan was arrested and on completing investigation charge sheet has been filed against him.

4. Learned counsel for applicant submitted that the victim was a drug addict. He had sustained injury due to fall. The applicant had informed the family members of victim, which is evident from the transcript of the communication annexed to the application. Offence u/s.304(2) of IPC is not made out.

5. Learned APP submitted that the applicant was involved in managing the rehabilitation centre. He had not obtained requisite permissions to conduct said centre. There was lapse on his part to take the victim for treatment immediately. In all fairness and on instructions, however, it is submitted that Rais Rashid Khan was arrested. There are statements of witnesses which indicate that he had assaulted the victim. No role of assault is attributed to the applicant. The co-accused has been charged sheeted.

6. In the light of allegations against applicant, he need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in CR No.199 of 2019 registered with Mumbra Police Station, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or

more sureties in the like amount;

(iii) The applicant shall appear before Investigating Officer as and when called for;

(iv) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST