

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

ANTICIPATORY BAIL APPLICATION NO.709 OF 2022

Mateen Vaseem Kapadia

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Ashok Mundargi, senior Advocate i/b. Mr. Advait Tamhankar for the Applicant.

Ms Rutuja Ambekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 16th MARCH, 2022.

P.C.:-

1. By this application filed under Section 438 of the Cr.P.C., the Applicant has sought pre-arrest bail apprehending his arrest in Crime No. No.51 of 2022 registered with Devnar Police Station for the offence punishable under Section 306 of the IPC.

2. The FIR reveals that one Faisal Shaikh committed suicide on 17/09/2021. On 11/02/2022 the police inspector lodged a complaint alleging that the deceased had committed suicide because of the harassment meted out to him by the Applicant and hence he registered crime for the offence punishable under Section 306 of the IPC.

3. Mr. Mundargi, learned senior counsel for the Applicant states that there is no prima facie material to show that the Applicant herein had abetted suicide of the deceased Faisal Shaikh.

4. Per contra, Ms Rutuja Ambekar, learned APP for Respondent - State states that the suicide note clearly indicates that the Applicant had harassed the deceased and the suicide note implicates the Applicant herein as responsible for his death.

5. Perused the records and considered the arguments advanced by the learned counsel for the respective parties.

6. The records prima facie indicate that the deceased who was employed with the Applicant had misappropriated an amount of Rs.15,000/- on one occasion and Rs. 36,500/- on another occasion. The suicide note also confirms the said fact and indicates that the Applicant herein had insisted for return of the money and taken him to the police station in connection with the said crime. This was the cause of committing suicide.

7. The allegations levelled against the Applicant, even if taken at its face value, do not prima facie constitute offence of abetment within Section 107 of the IPC. Prima facie offence under Section 306 of the IPC is not made out. The Applicant is the resident of Mumbai and there are no chances of his absconding and thwarting the course of justice. Considering the nature of allegations, in my considered view this is a fit case for grant of bail.

8. Under the circumstance, the application is allowed on following terms and conditions:

(i) In the event of arrest of the Applicant in Crime No. 51 of 2022 registered with Devnar Police Station, he shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/-with one or two sureties in the like amount.

(ii) The Applicant shall report to the Investigating Officer for a period of two days from 21st March, 2022 between 10.00 a.m. to 1.00 p.m. and thereafter as and when directed by the Investigating Officer.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact

numbers, and /or change of residence or mobile details, if any, from time to time.

8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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