

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3186 OF 2015

Smt. Najmin Hakim Tamboli

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. S.V.Deshmukh, Advocate for Applicant.

Mr. U.S.Mote, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 7th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail by sister-in-law of the deceased since she is apprehending her arrest in connection with Crime No. 64/2015 registered with Bhoom police station, District Osmanabad for the offences punishable u/s 306,498-A,323 read with 34 of the Indian Penal Code.

2. Heard Mr. S.V.Deshmukh, learned counsel for the applicant and Mr. U.S.Mote, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Khalil Tamboli. He is Assistant Engineer in Irrigation department. First informant was having

two daughters viz. Jarin and Affrin. Affrin was married with Jahir Shabbir Tamboli on 11/06/2010. From the wedlock, Affrin was blessed with two sons viz. Rizwan and Zaid.

F.I.R. reads that for one year Affrin was treated nicely by Jahir Tamboli. However, subsequently on account to establish medical shop, first informant's son-in-law Jahir was causing illtreatment physically as well as mentally to Affrin. F.I.R. is having sweeping allegation against present applicant, who is married sister of Jahir and is residing at village Kada, also against other sister and mother of Jahir.

F.I.R. further states that the first informant gave Rs. 75,000/- to Jahir and thereafter medical shop was established at Pune and Jahir and deceased started residing at Pune. However, according to the F.I.R., thereupon also the deceased was subjected to cruelty for an amount of Rs. 1,50,000/-, which according to the F.I.R. was paid to the husband of deceased for purchasing plot.

4. F.I.R. shows that on 10/05/2015, Jahir sent Affrin, the deceased at Pathrud, the matrimonial place, where she has committed suicide by hanging herself. Suicide note is also found to be there. Suicide note is placed on record. It does not reflect the name of the present applicant.

5. Applicant is married woman. She resides separately at different place. Deceased was residing with her husband at Pune. Further, the date of incident is 05/06/2015 and the F.I.R. is lodged on 09/06/2015. Therefore, the embellishment in the F.I.R. at the hand of the first informant

can not be completely ruled out. The allegations against present applicant are most general in nature. In that view of the matter, custodial presence of the applicant is not at all necessary. Further, it is reported to this Court by the learned A.P.P. that the husband and brother-in-law of the deceased are released on bail by the Court. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 64/2015 registered with Bhoom police station, District Osmanabad for the offences punishable u/s 306,498-A, 323 read with 34 of the Indian Penal Code, applicant Smt. Najmin Hakim Tamboli be released on anticipatory bail on she executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.
- (iii) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]