

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3690 OF 2015**[Jahangir s/o Ahmedkhan Pathan and Others Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri Anandsing Bayas, advocate for applicants
Shri V.H.Dighe, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 7th AUGUST, 2015

PER COURT :-

- 1] This is an application for regular bail.
- 2] The applicants, who are husband and wife, are in jail, in connection with Crime No. 3 of 2015, registered at Udgir police station, District Latur, for the offences punishable under Sections 109, 114, 498-A, 323, 302 r/w 34 of the Indian Penal Code.
- 3] Heard Shri Anandsing Bayas, learned counsel for the applicants; Shri V.H.Dighe, learned Additional Public Prosecutor for the respondent/State; and Shri S.G.Rudrawar, learned counsel for the first informant in extenso.
- 4] The first information report is lodged by Razzak Moinoddin Shaikh, who is the brother of deceased Rehana. Her marriage was performed with Chand Kha s/o Ahmed Kha in the year 1999. From the said wedlock, the couple was having one daughter named Naushadbee, aged about 13 years and one son Amjad, aged about 14 years, who has suffered the paralysis.
- 5] The first informant is not resident of village Her, whereat deceased used to reside along with her husband.

The first informant is not the eye witness to the incident.

Since the first information report was disclosing the commission of cognizable offence, the crime was registered against the husband Chand Kha, present applicants and one Habib Khan and Jaitunbee, the mother of present applicant no.1.

6] The investigation is over. The investigating officer has already filed charge sheet in the court of law.

During the process of investigation, the investigating officer has recorded statement of Naushadbee, who is the daughter of deceased Rehana and main accused Chand Kha. Her statement would reveal that she is eye witness to the incident. Statement of one Hasan Kha was also recorded, which is identical to the statement of Naushadbee.

From the statements of Naushadbee and Hasan Kha, it is clear that for the death of Rehana, Chand Kha is responsible.

According to the eye witness account, no overt act is attributed against the present applicants at the time of commission of the offence. According to the statement of Naushadbee, after undergoing the family planning operation by the deceased, her father used to ask deceased Rehana that she should give permission for second marriage and also used to demand Rs.10,000/-. According to Naushadbee, that time the present applicants used to instigate Chand Kha and used to ask Rehana for divorce.

Except this, no role is attributed against the present applicants.

7] In view of the afore said nature of evidence appearing in the prosecution case and since the investigation is over, further custodial presence of the applicants is not warranted. That leads me to pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant No.1-Jahangir s/o Ahmedkhan Pathan and Applicant No.2-Shehnaz w/o Jahangir Pathan, be released on bail, in connection with Crime No. 3 of 2015, registered at Udgir police station, District Latur, for the offences punishable under Sections 109, 114, 498-A, 323, 302 r/w 34 of the Indian Penal Code, on they each executing P.R. bond in the sum of Rs.Ten Thousand with one solvent surety in the like amount by each of them.
- (iii) Bail before the trial court.
- (iv) Applicant No.1-Jahangir and Applicant No.2-Shehnaz shall not cause any threat to any of the prosecution witnesses.
- (v) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3690.15