

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3758 OF 2015.

AINUDDIN S/O SHAIKH SADIQUE
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Khizer Patel, Advocate for Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **V.M. Deshpande, J.**

DATE : **31st July, 2015.**

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No. I 49/2015 registered with Police Station, Chhawani, Aurangabad, District – Aurangabad for the offences punishable under Section/s. 306, 498(A), 323, 504, 506 read with 34 of the Indian Penal Code and under Section/s 3 and 4 of the Prevention of Dowry Act.

[2] Heard Mr. Khizer Patel, learned counsel for Applicant and Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

[3] Investigating agency has already completed the investigation and charge sheet is already filed before the court of law.

Kayyum Hussain Pathan is resident of Kamod Road, Old Nashik, is the father of deceased Saba Kausar. Her marriage with present Applicant was performed on 28th May, 2006. From the wedlock, couple is having two sons aged about 6 years and 4 years. According to the First Information Report filed by Kayyum, after the marriage, the Applicant used to take suspicion on the character of Saba Kausar and used to give ill treatment to her. It is also stated in the First Information Report that, he used to demand Rs.150,000/- for purchase of house and shop. First Information Report further shows that, matter was reported at Bhadrakali Police Station, Nashik in the year 2007. However, thereafter, compromise took place and deceased and accused were leading happy marital life.

[4] Saba Kausar died due to consumption of insecticide on 24th April, 2015. From the First Information Report and other papers it is crystal clear that there is nothing on record to show that, from the year 2007 till her death, she was subjected to cruelty. No specific incident is mentioned. Allegations are general in nature. Merely because the Applicant is the husband of deceased - Saba Kausar, he cannot be detained in jail for indefinite period, in view of the fact that in near future, there is no possibility that Sessions Trial is being taken for its final disposal. Charge sheet is already filed. In that view of the matter, application filed by Applicant deserves favourable consideration. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - AINUDDIN S/O SHAIKH SADIQUE shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Fifty Thousand.] with two solvent sureties in the like amount, in connection with CR No. I 49/2015 registered with Police Station, Chhawani, Aurangabad, District – Aurangabad for the offences punishable under Section/s. 306, 498(A), 323, 504, 506 read with 34 of the Indian Penal Code and under Section/s 3 and 4 of the Prevention of Dowry Act. [The Dowry Prohibition Act, 1961.]

(iii) Bail before trial court.

(iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)