

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 6944 OF 2014

SAYYED SIKANDAR S/O SYED MEHBOOB
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Palodkar Devdatt P.
APP for Respondent: Mr. M. M. Nerlikar.

CORAM: T. V. NALAWADE, J.
DATED: 4th FEBRUARY, 2015.

PER COURT:

1. This application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.
2. The crime is registered on the basis of report given by father of the deceased. The deceased was given in marriage to the applicant about two months prior to the date of incident. The deceased used to disclose about the ill-treatment to the complainant and also to her brother. On 21st August, 2014 Majid, son of the complainant, had informed that there was ill-treatment

to the deceased and beating was being given by the applicant and his parents. They were alleging that no valuable articles were given during marriage. The applicant wanted to marry second time. The incident in question took place on 22nd August, 2014. On that day, the deceased ran towards the house of her uncle Abdul Khan and she disclosed that the applicant had administered poison to her. Abdul Khan shifted her to the hospital but she died due to poisoning on the same night. By way of precaution, this Court has directed learned A.P.P. to produce Bed Head Ticket of the hospital in respect of deceased. The case papers show that it was a case of oral poisoning. Information was given to police by somebody from the hospital that it was a case of consumption of poison. In Inquest Panchanama the presence of the husband-applicant is shown and it can be said that he had informed that it was a case of consumption of poison.

3. There are statements of witnesses under section 161 Cr.P.C. to the effect that deceased had disclosed about ill-treatment and incident to them. As against this record, there are aforesaid circumstances, learned counsel for the applicant submitted that possibility of

suicide committed by the deceased cannot be ruled out. This Court holds that, at this stage, this possibility cannot be considered as there are witnesses to the effect that dying declaration was given to them. It is a matter of appreciation of evidence which is to be done by the trial Court and it is up to the trial Court to give weight to the evidence of the witnesses or of the aforesaid circumstances. The death took place within a period of two months from the date of marriage and there is material of the aforesaid nature. There is possibility of tampering the prosecution witnesses.

5. In the result, the application is rejected.

6. The above observations are for the purpose of present proceeding.

[T. V. NALAWADE, J.]

Dt.04/02/2015
ans/6944