

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.234 OF 2015

Niyazubi Babu Ali Sayyed & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.M.N. Sandhyanshiv for the Applicant
Mr.Arfa Sait, APP, for Respondent – State
Mr.Y.R. Khairnar, API / Investigating Officer – Ayesha Nagar Malegaon
police station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 13, 2015**

P.C.:

1. The application is moved for bail. The applicant/accused No.1 is a 65 year old lady. She is the mother-in-law of the deceased Navseen @ Nasreen. Applicant/accused No.2 is the brother-in-law of the deceased. The deceased got married to one Sayyed Imran on 2.2.2014 at Malegaon. It is the case of the prosecution that after marriage, the deceased started residing with her in-laws and the husband. However, her husband and her father in law, mother in law and her brother in law used to torture her. They used to demand Rs.50,000/- to start a business. They did not give her food. So, she reported this to her father. On 20.6.2015 at around 10.30pm, there was a quarrel in their house which was heard by the neighbours. However, all ignored it as such quarrels were a regular

feature in their house. However, at around 2.30am, the father-in-law who is the co-accused, went and informed the neighbours that his daughter in law Navseen has hanged herself and so she is dead. After considering the FIR given by the father of Navseen, the police registered the offence under sections 302, 498A, 504, 506, 323 r/w section 34 of the Indian Penal Code.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused No.1, who is the mother in law of the deceased, is suffering from Ischemic Heart Disease. She needs treatment in the hospital. She is old and she was not at home as per the statement of the sister in law of the deceased. He further submitted that the applicant/accused No.2 is the brother in law and though they were staying together, he has not played any role in the commission of offence. Hence, he submitted that the applicants be released on bail.

3. The learned Prosecutor submitted that the deceased Navseen died within one year of the marriage. At that time, she was pregnant by 4 months. He submitted that all were staying together. The applicant/accused No.1 is not suffering from any heart ailment as the report from J.J. Hospital has confirmed that she is normal. The learned Prosecutor has further submitted that the applicant/accused No.2 has filed

a bail application before the Sessions Court, but it was not pressed and therefore, he should first approach the Sessions Court.

4. Perused the medical report of the applicant/accused No.1 which is produced by the prosecution that she was taken to J.J. Hospital. However, no heart ailment is seen. If at all, she develops any heart ailment or any kind of disease, the Superintendent, Nashik Prison, is directed to take her to the hospital and she is to be treated immediately. In view of submissions of the learned Prosecutor, liberty is granted to the applicant/accused No.2 to move the Sessions Court by filing a fresh application for bail.

5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)