

nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.316 OF 2015

Heena Faizal Sayyad and Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

None for the Applicants.

Mr.Y.M.Nakhwa, APP for the Respondent – State.

PI – Chandramore.

CORAM : REVATI MOHITE DERE, J.

DATED : 16th MARCH, 2015.

PC.

1. Heard learned APP for the Respondent – State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. no.43 of 2015 registered with the Dongri Police Station, Mumbai, for the alleged offences punishable under Sections 306, 498-A, r/w 34 of the Indian Penal Code. It appears that subsequently Section 304-B was added.

3. The first informant is the father of the deceased – Shahin. It is alleged by the complainant that his daughter was living in a joint family and their used to be frequent quarrel on account of children of the deceased – Shahin with the children of the applicants. It is alleged that the deceased had disclosed to the complainant that on account of quarrels between the applicants' children and her children, her mother-in-law and the applicants were harassing her and her husband was not willing to live separately. It is alleged in the complaint that the applicants were taunting and harassing her for trivial reasons.

4. Considering the fact that the dispute was essentially on account of quarrels, that arose between the applicants children and the children of the deceased – Shahin and that the applicants would harass the deceased for trivial reasons, it is doubtful whether prima-facie an offence under Section 304-B or 306, qua the applicants, can be said to have been made out.

5. Considering the nature of allegations, the custodial interrogation of the applicants is not required. Accordingly, the applicants deserve to be granted pre-arrest bail on the following terms and conditions ;

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing PR.Bond in the sum of Rs.15,000/- each, with one or two solvent sureties in the like amount ;
 - ii) The Applicants shall attend the Dongri Police Station, Mumbai, as and when called for by the Investigating Officer ;
 - iii) The Applicants shall not tamper or attempt to influence any person concerned with the case ;
 - iv) The Applicants shall co-operate in the conduct of the trial ;
6. The Application is allowed and disposed of in above terms.
7. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
8. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)