

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 437 OF 2015**

Sultana Afjal Sayyed	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. V. V. Purwant for the Applicant

Ms. Y. M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 9TH APRIL, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the respondent-State.

2. By this application, the applicant seeks 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 that the deceased got married to Sohel, sometime in December, 2003 and from the said wedlock, the couple was blessed with three children. It is alleged by the complainant that his daughter was living in a joint family, consisting of her husband, father-in-law, brothers-in-law, co-sisters-in-law and their children. It is alleged that there used to be frequent quarrels between the deceased on the one side and the present applicant and the other two daughters-in-law on the other, on account of the fights between their children. It is alleged that the deceased had disclosed to the complainant that on account of the quarrels between the deceased's children and the sisters-in-law's children, the present applicant and the deceased's co-sisters-in-law were harassing her and her husband was not willing to live separately. It is also alleged that the applicant was taunting and harassing the deceased for trivial reasons on trivial grounds. It is alleged that on one such occasion, the applicant had threatened to throttle the deceased.

4. The leaned Counsel for the applicant submitted that the applicant is aged 70 years and that the marriage had taken place between

the deceased and Sohail some time in 2003 and that the present incident has occurred after almost 11 years. He submitted that the deceased admittedly has committed suicide. He pointed out that the two other applicants who were the co-sisters-in-law of the deceased, were enlarged on bail by this Court vide order dated 16th March, 2015.

5. Considering the fact that the incident in question has taken place after 11 years of the marriage, the presumptions will not apply to the facts of the present case. It appears that the dispute was essentially on account of the quarrels between the children of the deceased Shahin and the children of the co-sisters-in-law. Considering the nature of allegations and the fact that the applicant is 70 years of age, the custodial interrogation of the applicant is not required. Accordingly, the applicant is granted pre-arrest bail on the following terms and conditions ;

ORDER

- i) In the event of arrest, the applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/-, with one or two solvent sureties in the like amount ;

- ii) The applicant shall attend the Dongri Police Station, Mumbai, as and when called for by the Investigating Officer ;
- iii) The applicant shall not tamper or attempt to influence any person concerned with the case;
- iv) The applicant 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.