

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1098 OF 2015

1) Zeenath Aga Abdul Rehman	)	
2) Salim Shaikh Mohammad Nazir	)	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Anjali Patil, Advocate, for the applicant.
Ms. P.P.Shinde, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 31st July, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C. The applicants are apprehending their arrest in Crime No. 55 of 2015 registered at Chunabhatti Police Station for the offences punishable under under Sections 498A, 306 read with Sec. 34 of IPC.

2. The applicant No.1 happens to be mother-in-law of Musarrat. Applicant No.2 happens to be her brother-in-law. It is the prosecution case that on 21.3.2015, Razia lodged a report with the police station alleging therein that her daughter Musarrat got married to the son of the applicant No.1 on 30.5.2014. It was a love marriage. That there were trifling disputes in her matrimonial house quite often and had informed her parents

that she has been driven out of the house. That Musarrat was not keeping well and therefore the complainant had brought her to the maternal house for giving her proper treatment. It is alleged that the husband of Musarrat used to threaten her by saying that he would divorce her. On 14.3.2015, the husband of Musarrat had threatened her of second marriage. On 15.3.2015, Musarrat had committed suicide in her matrimonial house by consuming some obnoxious substance.

3. The learned counsel for the applicant submits that the husband and father-in-law were arrested. They have been enlarged on bail by this Court under Sec. 439 of Cr.P.C. It is further submitted that Musarrat had committed suicide in her maternal house. There is nothing on record to indicate that the applicants had abetted, instigated or facilitated the commission of suicide. In view of this, she prays for pre-arrest bail.

4. Taking into consideration the papers of investigation and the submissions advanced across the Bar, this Court is inclined to grant pre-arrest bail.

4. However, it is made clear that the observations made hereinabove are restricted to an application under Section 438 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge

application or at the time of trial.

ORDER

(i) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicants shall report to the concerned police station as and when called and co-operate with the investigating agency to the best of their capacity.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)