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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3456 OF 2016

Fayyum s/o Nayyum Ansari
Age: 21 years, Occ: Business,
R/o. Chausala, Tq. & Dist. Beed. ..APPLICANT

VERSUS

The State of Maharashtra
through Police Station,
Neknoor, Tq. & Dist. Beed. ..RESPONDENT

Mr G. K. Thigale(Naik), Advocate for applicant;
Mr S. J. Salgare, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.
DATE : 26th July, 2016

ORDER :

The applicant is seeking pre-arrest bail in Crime No. 72 of 2016 registered with Neknoor Police Station, Dist. Beed, for the offences punishable under Sections 306, 354 read with Section 34 of the Indian Penal Code and under Section 3(i)(xi), 3(2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, for the alleged incident dated 7th and 8th April, 2016.

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2. The prosecution story as against the present applicant is that the applicant, on 7th April, 2016, interrupted wife of the complainant namely Manisha when she was going home alongwith her daughter Sanika and after holding her hand, asked to sit on his bike. The quarrel ensued between Manisha and applicant.

3. On next day i.e. on 8th April, 2016, it is claimed that the applicant alongwith his other accomplice, entered the house of Manisha, assaulted her and her husband resulting into Manisha committing suicide on 10th April, 2016.

4. Mr Thigale, learned Counsel for the applicant, while trying to make out a case for grant of bail would urge that, apart from unexplained delay in lodging first information report for incident dated 7th April, 2016, other co-accused are already released on pre-arrest bail by the learned Sessions Court by observing that ingredients of offence punishable under Section 306 of the Indian Penal

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Code, are not made out. He would submit that the applicant holds immovable property and is very much available for investigation, as such he be released on bail.

5. Learned A.P.P., while opposing the application would submit that there is sufficient material on record to infer prima facie involvement of the applicant in the crime in question. So as to substantiate his contentions, in addition to the contents of first information report he would rely upon the statement of minor daughter of deceased and complainant namely Sanika, in addition to the statement of the complainant.

6. Having bestowed my thought to the submissions made and upon perusal of the statement of witness Sanika, it is required to be noted that same is in tune with the contents of the first information report. There is specific role attributed to the applicant by the complainant and Sanika in her statement. First information report speaks of

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prima facie involvement of the applicant in the crime in question.

7. Apart from above, even if the applicant is claiming parity with that of other accused, however other accused were not involved in the part of crime took place on 7th April, 2016. In fact, other accused were involved in the crime in question in the later part of the incident and not in the initial part wherein the present applicant had outraged the modesty of the deceased. As such, the applicant cannot claim parity in the present case.

6. In view of above, in my opinion, no case for grant of pre-arrest bail is made out. The application fails, same stands rejected.

(N.W. SAMBRE, J.)