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

CRIMINAL APPLICATION NO.3871 OF 2016

Asma Iqrar Khan,
Age: 30 years, Occ: Household,
R/o. Near Madina Masjid,
Hudco Colony, Chalisgaon,
District Jalgaon. ..APPLICANT

VERSUS

The State of Maharashtra
Through Chalisgaon Police Station,
Chalisgaon, Dist. Jalgaon. ..RESPONDENT

Mr N.S. Ghanekar, Advocate for applicant;
Ms R.P. Gour, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd August, 2016

ORDER :

The applicant is seeking regular bail in Crime No. 4 of 2016, registered with Chalisgaon City Police Station, District Jalgaon, for the offence punishable under Sections 302, 120-B read with Section 34 of the Indian Penal Code, in which, she was arrested on 13th February, 2016.

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2. The prosecution case as against the applicant is that the applicant lodged complaint alleging that her husband Iqrar Khan went untraceable from the night of 6th January, 2016.

3. On the next day, his body was recovered along with his motor cycle. Further investigation has resulted into registration of crime against the present applicant along with co-accused Raj @ Shanu Nasaruddin Khan and Raju Nasaruddin Khan.

4. So far as death of husband of the applicant is concerned, it is required to be noted that there are no eye witnesses to the incident and the case is based on circumstantial evidence. Learned Counsel for the applicant would urge that the applicant is behind bars for last more than five months and the charge sheet is already filed, as the investigation is complete. In view of the fact that case is based on circumstantial evidence, there is no material, qua charge sheet to connect the applicant to the crime in question.

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5. Ms. Gour, learned A.P.P. strenuously opposed the application by relying upon the confessional statement of the applicant, co-accused Raj, statement of neighbour Fakirabeg, son of applicant Kamran and other statements so as to submit that there is conspiracy to kill deceased Iqrar by the applicant and as such, the material is sufficient to connect applicant to the crime in question.

6. Having bestowed my thoughts to the submissions made, it is required to be noted that self incriminating confessional statement given by the applicant is only material available so as to connect the applicant to the crime in question. It is to be noted that, even perusal of the confessional statement of the applicant and also co-accused Raj, co-accused Raj has specifically stated that he removed Iqrar, husband of the applicant from his home and murdered him. So far as the role attributed to the applicant is, the

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applicant used to interact with the said accused Raj, who claimed to have murdered Iqrar.

7. So far as prior history of dispute between the applicant and her husband Iqrar is concerned, in my opinion, same can hardly be taken into account as motive for the crime in question.

8. The investigation in the matter is complete. The applicant being a lady, in my opinion, cannot be detained any further as her detention is based on circumstantial evidence.

9. In the above background, in my opinion, application needs to be allowed. Hence I pass following order :

The applicant be released on bail, in Crime No. 4 of 2016, registered with Chalisgaon City Police Station, District Jalgaon, for the offence punishable under Sections 302, 120-B read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs 25,000, with one surety in the like amount.

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Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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