

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

7 CRIMINAL APPLICATION NO. 5004 OF 2016

**SAMEER IQBAL SAYYED
AND ANR.**

VERSUS

THE STATE OF MAHARASHTRA

.....

Mr. Shaikh Mazhar Jahagirdar, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

.....

CORAM : A.M.BADAR, J.

DATE : 20th SEPTEMBER, 2016

.....

PER COURT :

1. The applicants, who are husband and mother-in-law of deceased Saba, are accused in Crime No. 203/2016 registered at Shrirampur police station, Tq. Shrirampur, Dist. Ahmednagar for the offences punishable U/ss 306,498-A,506 read with 34 of the Indian Penal Code, by this application are seeking pre-arrest bail.

2. Heard the learned counsel for the applicants as well as the learned A.P.P.

3. The learned A.P.P. opposed the application by contending that within one year of her married life, Saba committed suicide. He further argued that the averments in the F.I.R. shows that she was subjected to cruelty by the applicants.

4. Perused F.I.R. and the record made available. Saba married with applicant No. 1 Sameer Iqbal Sayyed on 04/10/2015. The F.I.R. shows that she joined company of her parents on 22/12/2015. She committed suicide at her parental house on 01/08/2016 by setting herself ablaze.

5. It is well settled that reasonable nexus is required to be established in such cases. In the case in hand, the allegations of cruelty by the applicants to deceased Saba were prior to 22/12/2015. For months together she was in company of her parents. Even in August, 2016 when she committed suicide, she was residing with her parents.

6. Considering the nature of evidence available against the applicants and as the fact that the suicide was committed by deceased at her parental house, liberty of the present applicants needs to be protected. Hence, the following order.

(i) The application is allowed.

(ii) In the event of their arrest in Crime No. 203/2016 registered at Shrirampur police station, Tq.

Shrirampur, Dist. Ahmednagar for the offences punishable U/ss 306,498-A,506 read with 34 of the Indian Penal Code, applicant No. 1 Sameer Iqbal Sayyed and applicant No. 2 Shameem Iqbal Sayyed be released on bail on executing P.R. Bond of ₹ 15,000/- [Rupees Fifteen Thousand] each and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicants shall not tamper the evidence of the prosecution.

(v) The applicants shall attend the concerned police station on 01/10/2016 between 11.00 a.m. and 1.00 p.m. and they should co-operate the Investigating Officer in the investigation of the crime in question.

[A.M.BADAR, J.]