

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

Criminal Application No. 5574 of 2016

District : Nanded

1. Nanhubee w/o. Makdum Choudhary,
Age : 54 years,
Occupation : Household.

2. Seema d/o. Makdum Choudhary,
Age : 20 years,
Occupation : Household.

Both R/o. Khandoba Galli,
Mukhed,
Taluka & District : Nanded.

.. Applicants.

versus

1. The State of Maharashtra,
Through Police Station,
Mukhed, Dist. Nanded.

2. The Superintendent of Police,
Nanded, Dist. Nanded.

.. Respondents.

.....

Mr. U.B. Bilolikar, Advocate, for applicants.

*Mr. S.B. Yawalkar, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

.....

CORAM : A.M. BADAR, J.

DATE : 19TH OCTOBER 2016

ORAL ORDER:

Applicants, who are mother-in-law and

sister-in-law of deceased Saida Begum, are accused in Crime No. 121/2016 registered with Police Station, Mukhed, District Nanded, for offences punishable under Sections 306, 498A, 323, 504, read with Section 34 of the Indian Penal Code, by this application, are seeking pre-arrest bail.

2. Heard the learned Counsel appearing for applicants / accused. He argued that applicant no.2 Seema d/o. Makdum Choudhary is married sister of husband of the deceased and she was separately residing with her husband in other locality. The learned Counsel further argued that averments in the FIR does not show any legal cruelty to the deceased by applicants.

3. The learned Addl. Public Prosecutor drew my attention to the letter of Global Superspeciality Hospital, Nanded, disclosing that deceased Saida Begum was taken to the hospital by applicant no.1 Nanhubee Choudhary - her mother-in-law and her husband. My attention is also drawn to the report of post mortem examination of Saida Begum.

4. I have carefully considered the rival submissions and also perused papers of investigation. According to the prosecution case, as reflected from the FIR lodged by the brother of the deceased as well as statements of her parental relatives, deceased

Saida Begum married co-accused Abdul Majid Bagwan in the year 2012. Thereafter, according to the prosecution case, Saida Begum was used to be harassed by accused persons for forcing her to bring Rs. 1,00,000/- from her parents. They paid Rs. 20,000/- to her husband but instead of using that amount, purposefully he had spent that amount on his own vices. According to the prosecution case, Saida Begum was used to be assaulted by accused persons on account of demand of money.

5. Perusal of post mortem report shows that dead body of Saida Begum, who is stated to have committed suicide by hanging herself, was having several injuries in the nature of contused abrasion and contusions on her body. This finding in post mortem is suggestive of assault on Saida Begum prior to her death. She was taken to hospital by her husband as well as applicant no.1 Nanhubee Choudhary. This indicates their presence on scene of occurrence at the time of incident. As such I do not see any reason to grant anticipatory bail to applicant no.1 Nanhubee Choudhary. Her application is therefore liable to be rejected.

6. So far as applicant no.2 Seema d/o. Makdum Choudhary is concerned, she is married sister of the husband. There are statements of neighbourers of the deceased residing in the vicinity of her matrimonial

house. Perusal of those statements does not show that applicant no.2 Seema Choudhary was one of the occupants of matrimonial house of the deceased. She being a married sister of the husband of the deceased, she is even otherwise expected to be with her husband. In this view of the matter, her custodial interrogation in the crime in question is not required.

7. Hence, I pass the following order :-

(a) The Application to the extent of applicant no.1 Nanhubee w/o. Makdum Choudhary is rejected.

(b) The Application of applicant no.2 Seema d/o. Makdum Choudhary is allowed.

(b-1) In the event of arrest of applicant no.2 Seema d/o. Makdum Choudhary, in the above crime, she be released on bail on her executing P.R. Bond in the sum of Rs. 15,000/- and on furnishing one or more solvent sureties of the like amount.

(b-2) As conditions of this order, applicant no.2 Seema d/o. Makdum Choudhary shall abide by the following directives :-

(i) Applicant no.2 Seema Choudhary shall attend the concerned Police Station as and

when reasonably called by the Investigation Officer for the purpose of investigation during day hours.

(ii) Applicant no.2 Seema Choudhary shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) Applicant no.2 Seema Choudhary shall not tamper with the prosecution evidence in any manner.

(c) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

.....