

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.754 OF 2016

1. Jubeda alias Papati Ali Sayyed .Applicants
2. Jamila Ali Sayyed alias
Jamila Haresh Patil

Vs.

The State of Maharashtra .Respondent

Mr.Yashpal Thakur, Advocate, for the Applicants
Mrs.Rutuja Ambekar, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.07.2016

P.C.

. Heard learned counsel for the
Applicants and the learned APP for the
Respondent – State.

2. Learned counsel for the Applicants
seeks leave to amend the prayer clause. Leave
granted. Amendment to be carried out forthwith.

3. After arguing for some time, learned counsel for the Applicants does not press the Application qua the Applicant No.1.

4. By this Application, the Applicant No.2 seeks her enlargement on bail in connection with C.R.No.287 of 2015 registered with the Dadar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 307, 427, 323, 504, 506 r/w.34 of the Indian Penal Code.

5. The incident has taken place on 31.08.2015 at about 8.30 p.m.. According to the prosecution, the Applicant No.1 poured Kerosene on the person of the deceased and set her ablaze. The Applicant No.2 is stated to have been present at the time when the incident took place, along with Applicant No.1 - Jubeda.

6. Learned counsel for the Applicant No.2 submits that as far as the Applicant No.2 is

concerned, apart from the fact that she followed the Applicant No.1, who poured Kerosene on the person of the deceased and set her ablaze, there is no allegation that she in any way abetted the commission of the suicide. The Applicant No.2 is neither alleged to have instigated the Applicant No.1 nor is she alleged to have assisted the Applicant No.1 in pouring Kerosene on the person of the deceased in setting her ablaze. Learned counsel for the Applicant No.2 submits that there was a family dispute, pursuant to which the aforesaid incident took place. He submitted that the Applicant No.2 has been languishing in jail since 01.09.2015.

7. Learned APP opposed the Bail Application. She submitted that the Applicant No.2 had followed the Applicant No.1, who poured Kerosene on the person of the deceased and set her ablaze.

8. Perused the papers. Investigation is complete and charge-sheet is filed. The role of the Applicant No.2 is that she followed the Applicant No.1, who poured Kerosene on the person of the deceased and set her ablaze. No specific overt act is attributed to the Applicant No.2. The Applicant No.2 has been in custody since her arrest i.e. 01.09.2015.

9. Considering the aforesaid, the Applicant No.2 is enlarged on bail on the following terms & conditions:

ORDER

- (i) The applicant No.2 be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The applicant No.2 shall report to the investigating officer of the Dadar Police Station, Mumbai on the **1st Saturday of every month** between **10.00 a.m. and 11.00 a.m.** till the conclusion of the trial;

(iii) The applicant No.2 shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant No.2 shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant No.2 to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant No.2's bail.

10. The Application is partly allowed in the aforesaid terms and is accordingly disposed of.

11. As far as the Applicant No.1 is concerned, the Application is dismissed as withdrawn qua the Applicant No.1. The Applicant No.1 is, however, granted liberty to file a fresh Application, if for no fault of the Applicant No.1 the trial does not conclude within one year from today.

12. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)