

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

CRI. BAIL APPLICATION NO. 902 OF 2016

Tabbassum @ Tarannum @ Shehnaj Jamil
Shaikh ... Applicant.
V/s.

The State of Maharashtra ... Respondent.

Mr. Satyavrat Joshi, Advocate for the Applicant.
Mr. S. S. Pednekar, A.P.P. for the Respondent – State.

**CORAM : A. M. BADAR, J.
DATE : 18th JULY, 2016**

P.C. :

1 The applicant/accused in Crime No. 431 of 2015 for the offences punishable under sections 305, 306, 323 r/w. section 34 of the Indian Penal Code, registered with Kondwa Police Station, Dist. Pune at the instance of informant – Fatima Shaikh Abdul Razaq, is praying for releasing her on bail.

2 Heard the learned counsel appearing for the Applicant/accused. He submitted that the applicant/accused is a lady, having two children. He further argued that the applicant/accused is disabled lady and pointed out the certificate issued by the District Social Welfare Department.

3 Learned APP opposed the application.

4 Perused the case diary. According to the prosecution case, deceased -Insha Jamil Shaikh is 13 years old child. She is step-daughter of the present applicant. Father of deceased - Insha started residing with the present applicant. He divorced mother of deceased-Insha namely Fatima Shaikh on 11.05.2006. Thereafter, Insha continued to stay with her father and the present applicant, who is step-mother of Insha. The charge-sheet shows that biological mother of Insha time and again tried to obtain custody of Insha. However, father of Insha, who is also co-accused in the instant case, refused to hand over custody of Insha to her, the biological mother - Fatima Shaikh.

5 FIR lodged by Fatima Shaikh goes to show that as she used to visit Insha at her school, accused persons had changed her school. Thereafter, Insha was removed from the school so that she could reach her step-sister to their schools. The informant mother further averred that Insha used to disclose harassment to her by the present applicant. It is averred in the FIR that the present applicant used to provide food to Insha only when father of Insha used to be in the house and for rest of the period, Insha was not provided food. It is further averred that Insha was required to do all household works with taunts that she should die by going to her biological mother. It is further averred that food brought by her biological

mother used to throw away by the present applicant and co-accused.

6 Ultimately fade up with consistent torture by the applicant/accused and the co-accused, Insha committed suicide by hanging herself in house of the present applicant and co-accused. Her suicide note came to be seized by the police. Its' translated copy is at page 65. That note vividly describes the treatment given to her by the applicant which shows abetment at the instance of the present applicant, resulting in commission of suicide by the 13 years old girl. The depressed state of mind of deceased Insha is, prima facie, attributable to the conduct of the present applicant/accused, as is reflected from the suicide note. Deceased Insha was only 13 years of age. Prima facie, it is seen that the applicant had abetted commission of her suicide by constantly torturing her and starving her. Statements of neighbourers are also showing cruel treatment to Insha by the applicant. Offence is punishable with imprisonment of life or imprisonment for life term not less than 10 years.

7 Considering the nature of the evidence against the present applicant/accused so also the nature of crime, her application for bail deserves to be rejected. The bail application is rejected.

Needless to state that the above observations are prima facie which have no bearing on result of the trial.

(A. M. BADAR, J.)

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