

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.940 of 2016

Sajrunnisa Mohd Maruf and ors .. Applicants
Versus
The State of Maharashtra .. Respondent

Mrs.Anjali Patil, Advocate for the applicant.
Mr.Sunil Mishra, Advocate for Intervenor.
Ms.S.S.Kaushik, APP for the Respondent State.
API Gaikwad from Deonar Police Station present.

CORAM : P.N. DESHMUKH, J.

DATED : 13th JUNE 2016

■■■

P.C. :

1 The applicant no.1 being mother-in-law, applicant
no.2 – brother of father-in-law, applicant no.3 – husband and
applicant nos.4 and 5 being sisters-in-law of deceased Safia
Khatoon has filed this application for Anticipatory Bail in Crime
No.126/16 registered by Deonar Police Station for the offences
punishable u/s.498A, 306, 406 of the IPC.

2 Learned APP submits that there is also a likelihood of
adding section 304B of the IPC in the present crime. Prosecution

has not seriously objected for grant of pre-arrest bail to applicant no.1 – mother-in-law and to applicant nos.4 and 5 – sisters-in-laws of deceased, however has opposed for grant of bail to applicant no.2 – brother of father-in-law and applicant no.3 – husband. Contending in that there is substantial evidence against these applicants establishing illegal dowry demand from the father of deceased, and due to non-satisfaction of said demand, deceased Safia committed suicide on 18th May 2016 in her house.

3 Perused the case diaries.

4 It appears that during the course of investigation, statements of relatives of deceased are recorded who had alleged of monetary demand by applicant nos.2 and 3. There are no other statements of independent witnesses on this aspect, or of any of the neighbours.

5 So far as application of section 306 of the IPC is concerned, it is found that the incident has taken place on 18th May 2016 when Safia committed suicide by hanging in her bedroom and prior to the said date on 15/5/2016, there appears to be some phone call made by her to her father i.e. complainant

informing that inspite of her father giving word to her in-laws to arrange for monetary help for the purpose of marriage of applicant no.4 Zainad – the sister-in-law of deceased, complainant – father of deceased could not arrange for the said amount of Rs.One Lakh, and thus, she was subjected to taunts by the applicants saying that her father is a beggar and could not arrange for the money.

6 Admittedly, except for such phone call dated 15th May 2016, there is no other evidence to establish that immediately prior to her committing suicide, deceased Safia was, at any time, prior to the incident, was subjected to aiding or abetting to commit suicide by any of the applicants.

7 Learned counsel for the applicants, in support of her application, has contended that in fact, deceased was under medical treatment as she was not conceiving inspite of getting married in the year 2012, and thus, was under depression. She, for this purpose, has relied upon medical papers. It *prima facie* appears from the papers that since December 2013, till April 2016, deceased was obtaining treatment. It is also contended that Azan – elder brother of applicant no.3 was blessed with a child, and as such, deceased was under depression on this ground also.

8 Learned counsel for the complainant/intervenor had tendered certain photographs on record, alleging that this photograph clearly establish injuries to have sustained by the deceased. For want of post-mortem notes, it however, cannot be held that if the injuries sustained as alleged, are ante-mortem. Medical papers and photographs are taken on record. In that view of the matter, application is allowed by imposing conditions as below.

ORDER

- i) In the event of arrest of applicant nos.1 to 5, they shall be released on bail on their executing PR. Bond in the sum of Rs.25,000/- each with one surety in like amount.
- ii) On being released on bail, applicants shall attend Investigating Officer as and when called till the filing of charge-sheet and shall co-operate with the investigation.
- iii) The applicant shall not tamper with the investigation.

(PN. DESHMUKH, J)