

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.988 OF 2016

Mohd Maruf Mohd Yusuf
Chaudhary and anr .. Applicants
Versus
The State of Maharashtra .. Respondent

Mrs.Anjali Patil with Mr.Arun Rajput, Advocate for the applicants.
Mr.S.H.Yadav, APP for the Respondent State.
API Gaikwad from Deonar P.Stn present.

CORAM : PN. DESHMUKH, J.
DATED : 15th JUNE 2016

P.C. :

1 The applicant no.1- father-in-law and applicant no.2 - brother-in-law of deceased Safiya, has filed this application for Anticipatory Bail in Crime No.126/16 registered by Deonar Police Station for the offences punishable under section 498A, 306, 406 r/w section 34 of the IPC.

2 Learned counsel for the applicants, by inviting my attention to the contents of report, has submitted that though according to the case of the prosecution, applicant no.1 is alleged to have demanded Rs.1,00,000/- from father of the deceased for the purpose of solemnizing marriage of daughter Zainab, which amount, since complainant could not arrange, made a phone call

and informed this fact to applicants. There is nothing to establish that for non-payment of said amount, Safiya committed suicide on 18th May 2016.

3 It is further contended that from further contents of report, it cannot be said that applicants, at any time, prior to deceased committing suicide had taunted her, and as such, it cannot be said that applicants had abetted commission of suicide.

4 Learned APP referring to the report, had submitted that there is direct allegation against applicant no.1 who had demanded Rs.1 Lakh from the complainant for solemnizing marriage of his daughter. He has, therefore, opposed for grant of bail.

5 Considering the submissions, as aforesaid, from the contents of report and the submissions advanced on behalf of the applicant, it appears that on 15th May 2016, applicant no.1 had visited the complainant at his place, and inquired about the amount demanded by him required for performing marriage of his daughter, which amount was, however, informed by complainant to have not been arranged. Applicant no.1, therefore, informed about non-availability of fund by complainant to his family members and to the husband of deceased. From further contents of the report, it appears that on receipt of such information, husband of deceased, mother-in-law, sister-in-law, elder brother-in-law, and cousin father-in-law Siraj taunted deceased saying that her father could not arrange for money and he is a beggar.

6 Having considering above facts from the report, it is noted that deceased committed suicide in the night on 18th May 2016 in her house in the bed-room by hanging. There is nothing on record to establish that immediately prior to deceased committing suicide, or from 15/05/2016 till the day of incident, either of the applicant have aided or instigated the deceased, in any manner, which resulted into her committing suicide. Even otherwise, co-accused being mother-in-law, brother of father-in-law, husband and two sisters-in-law of deceased Safiya are already protected from pre-arrest bail by this Court vide order dated 13th June 2016. 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 and 2, they shall be released on bail on their executing PR bond in the sum of Rs.25,000/- with one surety in like amount.

ii) The applicant shall not tamper with the investigation.

Application is disposed of in the above terms.

(PN. DESHMUKH, J)