

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.525 OF 2016

(Sk. Kasam s/o Sk. Ibrahim & others Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. P. Kariya, Advocate for the applicant.
Shri S. D. Shirpurkar, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : AUGUST 30, 2016

Heard learned Counsel for the applicants and
learned A.P.P. for the State.

From the perusal of the first information report,
nothing can be ascertained as regards the manner in which
deceased Shabana Parveen died, although, there is no doubt
about the fact that the circumstances leading to her death were
suspicious. There are allegations in the F.I.R. regarding these
applicants subjecting the deceased to harassment and cruelty.
But, so far as the factum of death is concerned, it appears that
the investigating officer has still to do a lot. In fact, he has not
even produced the case diary before this Court. Law obliged
him to at least make it available for perusal of the learned
A.P.P. so that the learned A.P.P. could assist this Court in an
effective manner. But, that has not been done either. The
Investigating Officer is also absent in this case. This is the

approach in a case involving crime, considered to be a crime against the society. The question is, for how long this application could be kept pending then. I would only say that even if this application is kept pending, the approach adopted in this case would show that nothing is going to come out by keeping it pending.

Accordingly, I have perused the reply of the prosecution, which again leaves us nowhere so far as the manner of death of Shabana Parveen is concerned. The applicants No.1 and 2 are senior citizens. The applicant No.3 is a woman. From the nature of allegations made against them, I do not think that their custodial interrogation would be required. Therefore, I am inclined to grant this application.

The application is allowed and the interim bail granted to the applicants by this Court on 16/8/2016 is hereby confirmed on the same conditions with an addition of the condition that they shall attend the police station on further occasions if required by the Investigating Officer.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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