

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 33 OF 2017

1. Amarubanisha Nasirali ShaikhApplicants
2. Shabnam Naisrali Shaikh

V/s.

The State of MaharashtraRespondent

Mr. R. J. Baddam i/b SRL Lex Advocate for the Applicant.
Mr. M. G. Patil APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 27th FEBRUARY, 2017.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 266 of 2016 registered at Mira Road Police Station for offence punishable under section 306, 498 (A) r/w 34 of the Indian Penal Code.

2) Applicant no. 1 is mother-in-law and applicant no. 2 is sister-in-law of the deceased. By an order dated 10/01/2017, applicants were granted protection in view of the guidelines in the case of **Arnesh Kumar v/s. State**

of Bihar (2014) 8 SCC 273.

3) It is not the case of the prosecution that applicants have committed breach of order dated 10/01/2017. Upon perusal of papers of investigation, *prima facie* it cannot be said that applicants have abetted, instigated or facilitated the commission of suicide and therefore, the order dated 10/01/2017 deserves to be confirmed. However, it is made clear that observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount.
- (iii) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)