

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

CRIMINAL BAIL APPLICATION NO.767 OF 2017

Mohammad Ayub Haroon Shaikh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Ms. Rucheeta Dhuru, Advocate for the Applicant.
Ms. A. A. Takolkar, APP for the Respondent – State.
Mr. P. Salunkhe, PSI, Malvani Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 14, 2017.

P.C. :

This is an application for bail. The applicant is arrested on 15th November, 2016. FIR was registered on 15th November 2016 with Malvani Police Station for the offence punishable under Sections 498-A and 306 read with Section 34 of the IPC.

2 FIR was lodged at the instance of the father of the victim. The applicant – accused is the husband of the deceased. The marriage between the deceased and the applicant was solemnized in the year 2008. It is alleged in the FIR that there are three children out of the said wedlock. The accused was

demanding an amount of Rs.50,000/- to be brought by her from her parents. However, the said demand was not fulfilled. It is further alleged that there was further demand of Rs.4,00,000/- at the instance of the accused. On account of the harassment, the deceased committed suicide by jumping in a lake on 14th November, 2016. Hence, the FIR came to be registered.

3 Learned advocate for the applicant submitted that the marriage was solemnized between the applicant and the deceased eight years back. There are three minor children who are aged about five years, three years and six months, respectively. They have been looked after by the mother of the applicant. It is further submitted that there was no earlier complaint of demand of dowry or harassment against the applicant. For the first time the allegations of harassment were made in the FIR and the statement of the mother of the deceased. It is further submitted that the matrimonial relationship between the applicant and the complainant was good. They lived together for the period of about eight years and, therefore, the question of causing any harassment did not arise. She submitted that the complainant has made false allegations against the applicant.

4 Learned APP submitted that the complaint and the statement of witnesses clearly states that the accused was demanding money from the deceased and causing harassment to her as a result of which she was compelled to commit suicide and, therefore, the applicant - accused had committed the crime.

5 I have perused the FIR and the statement of witnesses. Learned Sessions Judge while rejecting the application had stated that the applicant will threaten the witnesses if released on bail. It also stated that the offences is of serious nature. Learned advocate for the applicant pointed out that the prime witnesses are the residents of Uttar Pradesh and the question of threatening or harassment does not arise. Learned APP states that some of the witnesses are residing in Mumbai. It is noted that the marriage was solemnized eight years prior to the alleged incident. The investigation has been completed and the charge-sheet has been filed. There is no earlier complaint of harassment. There are three minor children, one of them is aged about six months. In the circumstances, I am inclined to allow this application for bail.

6 Hence, I pass the following order:

:: ORDER ::

- (i) The applicant is directed to be released on bail in connection with C.R.No.706 of 2017, registered with Malvani Police Station, on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount;
- (ii) The applicant is directed to attend Malvani Police Station, once in a week on every Saturday between 11.00 a.m. to 1.00 p.m., till further orders;
- (iii) The applicant shall not tamper with the prosecution witnesses;
- (iv) Criminal Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)