

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 534 OF 2017  
Mrs. Rehana Kasim Khan vs. The State of Maharashtra

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| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr.Tariq Khan for the Applicant.

Miss. Veena Shinde, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 27<sup>th</sup> March, 2017

P.C.

1) This is an application under Section 438 of the Cr.P.C. for pre-arrest bail in CR No.35 of 2017 dated 10.2.2017 registered with Deonar Police Station, Mumbai under Sections 498(A), 306, 323, 504 read with 34 of the Indian Penal Code.

2) The first information report is lodged by Sagar Singh Thakur brother of the deceased Smt. Sangeeta Adib (Atif) Mohd. Kasim Khan @ Sangeeta Munulal Singh. It is stated in the FIR that deceased Mrs. Sangeeta Munulal Singh and Adib (Atif) Mohd. Kasim Khan performed marriage somewhere on 13.1.2017 against the wish of the family members of both the sides. They got their marriage registered near the Bandra Court. It is further stated that she also performed the marriage as per the muslim customs and rituals. On 6.2.2017 the deceased informed her family members that she was going for morning walk however,

she did not returned. The deceased further informed that she has already performed the marriage with Atif Mohd. Kasim Khan and she wants to live with him. During the course of the search taken by the first informant it was revealed that Mrs. Sangeeta was residing at Women Shelter Home at Mankhurd. The persons from the said shelter home dropped Mrs. Sangeeta to the house of the informant on 13.2.2017. The deceased Mrs. Sangeeta thereafter took documents pertaining to her marriage and went to the house of the applicant i.e. mother of Atif Mohd. Kasim Khan. At that time the applicant told Mrs. Sangeeta that she will not accept the said marriage. She also abused Mrs. Sangeeta and assaulted her and torn her clothes and drove her away from her house. That, on 14.2.2017 the health of Mrs. Sangeeta got deteriorated and it was revealed that she had consumed phenyl. The family members of Mrs. Sangeeta decided not to lodge the complaint immediately as they were optimistic that Sangeeta would cohabit as the wife of Atif. Mrs. Sangeeta was discharged from hospital on 16.2.2017. However, there were medical complications and therefore, she was again admitted to hospital on 18.2.2017. On 18.2.2017, when the mother of the first informant and the deceased Mrs. Sangeeta were sleeping on the mezzanine floor of the house it was noticed that Mrs. Sangeeta committed suicide by hanging herself to the ceiling of the said room. In the premise, the first information report is lodged.

3) On perusal of the first information report, it reveals that it is the applicant who was not only against the marriage of her son Abid (Atif) with Mrs. Sangeeta but she had abused and assaulted her just prior to the date of incident. It is the applicant who on 17.2.2017 at about 11.00 a.m. told Mrs. Sangeeta not to come to her house and directed her to do whatever she wants to do. It appears that the humiliation caused by the present applicant to Mrs. Sangeeta forced her to take the extreme step of committing suicide. The record further reveals that it is the applicant who is instrumental in abetting the suicide of the applicant.

After taking into consideration the gravity of the offence and serious allegations against the applicant I am of the opinion that the applicant does not deserve to be protected by way of pre-arrest bail.

4) Application is accordingly rejected.

(A.S.GADKARI, J.)