

Anand

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

**ANTICIPATORY BAIL APPLICATION NO.1094 OF 2017**

1. Taufik Babaso Mujawar .Applicants
2. Allauddin Babaso Mujawar

Vs.

The State of Maharashtra .Respondent

Ms Shama Mulla, Advocate, for the Applicants  
Mrs.R.Ambekar, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 07.07.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 128 of 2016 registered with the Jat Police Station, Sangli, for the alleged offences punishable under Sections 306, 504, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants states that the allegations as against the

applicants are false and baseless. She submits that taking the prosecution case as it is, no offence punishable under Section 306 of the Indian Penal Code is disclosed qua the applicants.

4. Learned A.P.P opposed the application.

5. The incident has taken place on 2nd September, 2016 at about 9:00 a.m. when Rahul (deceased) committed suicide at Village Vajrawadi by hanging himself. According to the prosecution, Rahul (deceased) was having an affair with Hasina, the sister-in-law of the applicants. On 31<sup>st</sup> August, 2016, the applicants alongwith Hasina's husband, Gaus Mujawar went to Rahul's house, to question Rahul, as to why he was messaging Hasina. Rahul was not at home at the relevant time. When Rahul returned home in the night, his father i. e. the complainant questioned him, pursuant to which, Rahul

disclosed that there was a love affair between him and Hasina. It is alleged that on 1st September, 2016, the present applicants went to Rahul's house, where it was decided to settle the matter amicably. It was alleged that as Rahul was afraid, he did not return home. It is alleged that when Rahul came around at 4:30 p.m, the applicants abused him and questioned him, why he was destroying Hasina's family life and why he was messaging her. It is alleged that the applicants assaulted him with fists and kick blows. It is alleged that the applicants threatened Rahul that they will not leave him alive and left the spot. Thereafter, Rahul was sent to Vajrawadi at about 8:30 p.m. till the whole incident was settled. Rahul committed suicide on the next date i.e. on 2nd September, 2016 at 9:00 a.m. Although the incident is unfortunate, prima facie it is doubtful whether the offence punishable under Section 306 is attracted, considering the facts of this case.

6. Considering the aforesaid and in the peculiar facts of this case, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer till the filing of the charge-sheet or for a period of three months whichever is earlier;

(iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case through himself or any other person;

(iv) The Applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicants to cooperate with the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)