

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

CRIMINAL BAIL APPLICATION NO. 1528 OF 2016

Arman Iqbal Shaikh. ... Applicant.

Versus

State of Maharashtra ... Respondent.

Mr. M.K. Kocharekar, advocate for applicant.

Ms. Naima Shaikh i/b. Mr. Khan Abdul Wahab, advocate for intervenor.

Ms. Veera Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : JANUARY 6, 2017.**

P.C.

1 Heard the learned Counsel for the applicant and the learned APP
for State. Perused the papers.

2 This is an application under section 439 of the Code of Criminal

Procedure, 1973. The applicant herein is arrested on 30/3/2016 in Crime No. 60/16 registered at Nizampura Police Station. The investigation is completed and charge-sheet is filed against the present applicant for offence punishable under Section 302, 201 of the Indian Penal Code.

3 It is the case of the prosecution that on 29/3/2016 Tausif Khalil Shaikh lodged a report at the police station alleging therein that his sister Shamim was married to the present applicant. That on 29/3/2016 his father informed him that the present applicant has alleged that the whereabouts of Shamim are not known since morning 11 a.m. and therefore, he is enquiring as to whether she had visited her maternal house. He had also informed that residential house is locked. They had searched for her. Thereafter, they had been to the house of the applicant at Barkya compound. There they saw that the house was locked. The applicant had broke open the lock and then

they had found the body of Shamim @ Mehek in a pool of blood. In fact, the said house was also purchased by the father of the deceased.

4 It is further alleged by the complainant that the applicant was demanding money to purchase a new block. The father of the deceased had also given him Rs. 50,000/-.

5 Upon perusal of the papers of investigation, it is apparent that it would be a case of custodial death as the dead body of the wife of the applicant was found in her residential house. The cause of death is Hemorrhagic shock due to the cut wound on the neck and there are injuries in the muscle and artery veins were cut. The compilation of the charge-sheet would also show that there were two rickshaw drivers who had seen the applicant leaving the place of incident at about the same time. Besides, it is clear that the applicant had concocted the story that his wife was missing and had locked the house after causing

her homicidal death.

6 The learned APP submits that in fact, the deceased was carrying cell phone and at that relevant time, the location was not traceable. It is not the case of the applicant that he had attempted to enquire with his wife about her whereabouts on the cell phone. There is more than sufficient material, which would clearly indicate that Shamim @ Mehek had died a custodial death in her matrimonial home. It is in these circumstances that the applicant does not deserve to be enlarged on bail.

7 The observations made herein above are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the observations at the time of trial.

8 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)