

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1562 OF 2016

1. Halima Farid ShaikhApplicants
2. Farid Hazrat Shaikh

V/s.

The State of MaharashtraRespondent

WITH
CRIMINAL APPLICATION NO. 1037 OF 2016
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1562 OF 2016

Usman Gani ShaikhIntervenor

IN THE MATTER BETWEEN

Halima Farid Shaikh and anotherApplicants

V/s.

The State of MaharashtraRespondent

Mr. Sushrut Jadhwar Advocate for the Applicant.
Mr. Satish R. Mishra Advocate for Intervenor
Ms. J. S. Lohakare APP for the State.
Mr. Anant V. Inerkar, API, Parksite Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 21st MARCH, 2017.

PC :

1) Heard. This is an application under section 438 of Code of Criminal

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Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 315 of 2016 registered at Park Site Police Station, Mumbai for offence punishable under sections 306, 498 (A) r/w 34 of the Indian Penal Code.

2) It is the case of the prosecution that the applicants herein are in-laws of Sana who was married to their son Wasim in the year 2014. It is alleged that applicants were harassing and ill-treating her on the ground that she could not efficiently carry out her domestic chores. That she had complained to her parents about the same. It is also alleged that applicants were insisting upon taking divorce from her husband. It is the case of the prosecution that on 30/08/2016, at about 4.00 a.m., applicant no. 2 had called upon the father of Sana and informed him that Sana had consumed poison meant for killing rats. She was taken to the hospital by the husband. She succumbed to the poison on the next day.

3) The learned APP upon instructions submits that C.A. report is awaited.

4) The son of the applicants namely Wasim was arrested and was in

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custody for a period of 18 days. Applicants were also protected by way of interim relief. Ad-interim relief granted in favour of the applicants vide order dated 26/09/2016 deserves to be confirmed. However, it is made clear that observations made herein above are *prima facie* in nature and 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 two sureties in the like amount.
- (iii) Applicants shall not leave Mumbai, Thane and Palghar till the framing of charge, without permission of the Court.
- (iv) Application stands disposed of.
- (v) Intervention application is heard, allowed and disposed of.

(SMT. SADHANA S. JADHAV, J.)