

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2205 OF 2016

Shri Afzal Shakeel Siddiqui	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Ms. Anita Wakchaure i/b. Mr. Vijay Shinde, Advocate for the applicant.
Mrs. J.S.Lohokare, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 8th February, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 21.5.2016 in Crime No.146 of 2016 registered at Kurar Colony Police Station on 9.5.2016. The investigation is completed and charge-sheet is filed in July 2016 against the applicant and others for the offences punishable under Sections 306, 498A, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the present applicant had got married to Fatima on 23.6.2012. That the couple was residing in a joint family. On 5.5.2016, Fatima committed suicide by immolating herself in her matrimonial home. On 9.5.2016, father of the deceased Fatima i.e. Mohammed Munir Ahmed lodged a report at the police station that Fatima

was being harassed and ill-treated in her matrimonial house by her mother-in-law, sister-in-law, her husband and all others as she could not conduct domestic chores properly. It is alleged that they had suspected the character of Fatima and used to humiliate her on that count. On 5.5.2016, the present applicant called upon his father-in-law and informed him that Fatima has been admitted in Lifeline Hospital at Malad. Upon enquiry, the mother-in-law of Fatima i.e. mother of the present applicant had disclosed that she had been to Haj on 21.4.2016 and has returned on 5.5.2016 i.e. day of the incident. According to the complainant, Fatima could not take the ill-treatment and cruelty any more and therefore she had committed suicide.

3. Perused the papers of investigation. It appears that Fatima had poured kerosene on herself on 5.5.2016 after she was humiliated by her sister-in-law in respect of her character. There is no material on record to indicate that at the relevant time the applicant was at home.

4. The learned counsel for the applicant rightly submits that there is no material on record to indicate that the applicant herein had abetted, instigated or facilitated the commission of suicide by Fatima. The offence under Section 498A is However, there is no material to indicate that the applicant had abetted the commission of suicide. Hence, the applicant deserves to be granted bail.

5. The observations herein are restricted to an application under Section 439 of Cr.P.C. and the same shall not be taken into consideration while deciding the application for quashing, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall attend the concerned police station on first Sunday of each month till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)