

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

ANTICIPATORY BAIL APPLICATION NO.1899 OF 2016

Gulam Rashid Sayyad

.... Applicant

versus

State of Maharashtra

... Respondent

Mr.Satyavrat Joshi, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the State/Respondent.

PSI – Mr.S.V. Jadhav (Wanwadi Police Station, Pune).

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 06th FEBRUARY, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 498(A), 306 r/w 34 of the Indian Penal Code in C.R.No.471/16 of Wanwadi Police Station, District-Pune. The offence is registered at the instance of Syra Muktar Khan on 29/09/2016.

2. It is the most unfortunate case wherein deceased Rahila committed suicide within 20 days of her marriage. Syra Khan, the mother of Rahila gave information to the police on

29/09/2016 that her daughter got married on 04/09/2016 with the applicant/accused at Kondhwa, Pune. After marriage she started residing with her husband. It was a joint family. After marriage she informed her parents that her mother-in-law used to abuse her and used to harass her on the ground that in the wedding she did not get good gifts. So she was not happy.

3. On the day of Bari-Eid, the applicant/accused alongwith Rahila visited the house of her parents. At that time Rahila stayed with her mother. She complained about her mother-in-law and she also told that her mother-in-law abused her non-stop. Thereafter on 23/09/2016 when Syra visited her daughter's house, at that time mother-in-law complained that Rahila is inefficient and she did not know how to work. Next day on 24/09/2016 when she went to her daughter's house at that time, the applicant/accused and his father told that Rahila has left the house. Thereafter complainant lodged missing complaint with Kondhwa Police Station. On 25/09/2016 her dead body was found in Canal. It was identified and body was taken by the applicant/accused for last rights. Thereafter the complainant mother approached police. At her instance offence

was registered at C.R.No.471/16 at Wanwadi Police Station on 29/09/2016.

4. The learned counsel for the applicant/accused submitted that there is no evidence against the applicant/accused of any harassment or any abetment against the applicant/accused. The complainant has not attributed any such role to the applicant/accused i.e. the husband. He submitted that the mother-in-law against whom the material allegations are made, is released on pre-arrest bail.
5. The learned prosecutor opposed bail application and has submitted that the applicant/accused is the husband and due to torture and harassment at the hands of mother-in-law, husband and other members, deceased committed suicide within 20 days of her marriage. He relied on the statement and supplementary statement of complainant Syra Khan.
6. Perused the FIR. Perused the statement and supplementary statement of Syra. Perused the post-mortem notes, wherein it is mentioned that she died due to drowning.

No injury marks externally were found on her body. On careful perusal of the complaint and other statement it appears that the deceased made allegations against her mother-in-law that she used to abuse her and used to blame her and her parents for not giving her gifts and not performing wedding lavishly. She has not made specific allegations against the applicant/accused. There is nothing to show that the degree of harassment by the applicant/accused husband was that extent driving her to commit suicide.

7. Considering this, I confirm the order of pre-arrest bail which was granted on 23/11/2016 with the same bail bond with further directions to applicant/accused to attend the concerned police station on every Monday between 06.00 p.m. to 08.00 p.m. till filing of the chargesheet and the applicant/accused shall not pressurize the witnesses.

8. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)