

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.834/2017

Nisar Ahmad Sheikh Dildar ..vs.. State of Maharashtra thr. PSO P.S. Kotwali, Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P. S. Wathore, Advocate for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 31, 2017

Heard Mr. P. S. Wathore, Advocate for applicant and Mr. T. A. Mirza, A.P.P. for non applicant.

This is an application for grant of bail. The application is coming for the first time. However, the learned A.P.P. is ready with the instructions and is having all investigation papers and also has filed reply which is taken on record. The applicant is arrested on 19.07.2017 on the complaint filed by one Mohammad Nisar Ahmad in connection with Crime No.294/2017 registered with Police Station Kotwali, Nagpur, for an offence punishable under Sections 306, 498-A of the Indian Penal Code.

The bail is opposed to on the ground that the charge-sheet is not yet filed.

The first informant Mohammad Nisar states in the report that marriage of his daughter Nasrin Fatima has been solemnized 13 years ago. From their wedlock, the couple was having three progenies. Nasrin Fatima

committed suicide by hanging herself on 25.06.2017. FIR of the same is lodged on 19.07.2017.

Perusal of the FIR shows that accusations against the applicant are general in nature in respect of demand of money and on account of non fulfillment of the demands, the deceased was subjected to cruelty. In the present case, death has occurred after 13 years. There is no statutory presumption available in favour of the prosecution. Though, the charge-sheet is not filed, the investigation papers show that investigation is almost over and only formality of filing of charge-sheet is remained to be done.

In that view of the matter, in my view, further custodial presence of the applicant is not necessary. Hence, following order is passed.

ORDER

- (i) Criminal Application No.834/2017 is allowed.
- (ii) Applicant-Nisar Ahmad Shaikh Dildar be released on bail in connection with Crime No.294/2017, registered with Police Station, Kotwali, Nagpur, for an offence punishable under Sections 306, 498-A of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/-with one solvent surety in the like amount.
- (iii) The applicant shall not extend any sort of threats to the prosecution witnesses.

JUDGE