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

CRIMINAL BAIL APPLICATION NO.46 OF 2018

1.	Mohd. Farukh Umar Khan	
2.	Suraiyya Umar Khan	...Applicants
	Versus	
	State of Maharashtra	...Respondent

Mr.A.M.Saraogi, for the Applicants.

Mr.A.A.Palkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th MAY, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.518 of 2017 registered with the D.N.Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 304(B), 306, 506, 34 of the Indian Penal Code.
3. Perused the papers. The applicant No.1 is the husband of deceased – Nilofar Khan and applicant no.2 is the mother-in-law of the

deceased. The applicant no.1 and Nilofar were married on 5th October, 2012 and the alleged incident took place on 3rd September, 2017. It is alleged by the prosecution that Nilofar committed suicide as she was being harassed by the applicants and as there was a demand for money from Nilofar's father. The complaint has been lodged by Nilofar's father-Mohd. Ali Kadar Sheikh, on 8th September, 2017, wherein he has stated that the applicants were demanding money from Nilofar and were harassing her on account of the same. He has further stated that on the date of the incident i.e on 3rd September, 2017, at about 9.30 p.m., he received a call from Nilofar's father in law, who disclosed to him, that his daughter has set herself ablaze and that she was admitted to the Cooper Hospital for treatment. In her dying declaration dated 4th September, 2017, Nilofar has not alleged any ill-treatment by the applicants. She has stated that the incident took place on 3rd September, 2017, when she was alone at home and was cooking. She has stated that when she was cooking because of the stove blast, her clothes caught fire. She has stated that her neighbours came and extinguished the fire and that thereafter her husband came from work and took her to the hospital. In the said dying declaration, no allegations have been made by Nilofar, against any of the applicants. The applicants are in custody since

2017. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;
- ii) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iii) The Applicants shall not tamper with the evidence or attempt to influence/contact/threaten the complainant, witnesses or any person concerned with the case;
- iv) The Applicants shall co-operate in the conduct of the trial;

v) If there are 2 consecutive defaults either in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicants' bail.

5. The Application is allowed and disposed of in above terms.

6. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)