

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 505 OF 2018

1. Firoz Idris Khan .Applicants
2. Akhtari Nabi Khan
3. Nabi Mustafa Khan
4. Sikandar Mumtaz Khan
5. Momna Sikandar Khan

Vs.

The State of Maharashtra .Respondent

Mr. E. N. Shaikh, Advocate, for the Applicants
Mr. S. H. Yadav, APP, for the Respondent – State
Mr. I. Patel, Advocate, for the Intervenor

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 02.07.2018

P.C.

. Learned counsel for the Applicants, after arguing at length, upon instructions seeks liberty to withdraw the Application as far as the Applicant No. 1 is concerned.

2. This is an Application under Section 438 of the Code of Criminal Procedure. The Applicants herein are apprehending their arrest in C. R. No. I-28 of 2018, registered at Ambad Police Station, District - Nasik for the offences punishable under Sections 302, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 10.09.2017, the dead body of the wife of Applicant No. 1 was found in the tank which was constructed in their residential house. The Applicant No. 2 happens to be the sister of Applicant No. 1. The Applicant No. 3 happens to be the husband of Applicant No. 2. The Applicant No. 4 is the cousin of Applicant No. 1 and the Applicant No. 5 happens to be the wife of Applicant No. 4. According to the learned counsel for the Applicants, the Applicant No. 1 and his deceased wife were residing separately with their son and that the Applicant Nos. 2 to 5 were not residing in a joint family with the Applicant No. 1. According to the learned counsel for the Applicants, it is a case of accidental death, as the dupatta had got entangled while she was filling water and that had caused her death. Upon perusal of papers of investigation, the said submission appears to be unfounded. However, the very fact that the Applicant Nos. 2 to 5 were not residing in the same house, they deserve pre-arrest bail. The Applicant No. 1 seeks time to surrender before the concerned Magistrate. Time as prayed for is granted. The Applicant No.1 shall appear before the Magistrate on or before 09.07.2018. Learned Magistrate shall consider the Application on its own merits. In view of this, the Applicant No. 1 stands protected till 5.00 p. m. of 09.07.2018.

4. Hence, I proceed to pass the following order.

ORDER

(i) The Application is partly allowed;

(ii) The Application of Applicant No. 1 stands dismissed as withdrawn;

(iii) In the event of arrest of Applicant Nos. 2 to 5, they be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 15,000/- each with one or more solvent sureties in the like amount;

(iv) Applicant Nos. 3 and 4 shall report to the concerned police station from 10.07.2018 to 13.07.2018 everyday between 10.30 a. m. and 1.00 p. m. and co-operate with the investigation agency to the best of his capacity.

(SMT. SADHANA S. JADHAV, J.)