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

CRIMINAL BAIL APPLICATION NO.683 OF 2018

Usman Sharif Mohammed Sharif Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Khan Abdul Wahab, for the Applicant.

Mr.M.G.Patil, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.203 of 2017 registered with the Kherwadi Police Station, Mumbai, for the alleged offence punishable under Section 306 of the Indian Penal Code.
3. Perused the charge-sheet. The complaint has been lodged by PSI – Sangram Bagal. He has alleged that deceased – Shabana, aged 19

years committed suicide by consuming poison because of the harassment meted out to her by the applicant and his wife. It appears that Shabana had left her parents home and was given shelter by the applicant and his wife. It is alleged that the applicant and his wife would make Shabana do all household work and would abuse and threaten her. It is also alleged that whenever there used to be quarrel between the applicant's family and their neighbours in the vicinity, the applicant's family would forward Shabana and make Shabana lodge a complaint, as against the neighbours.

4. Learned Counsel for the applicant submitted that Shabana committed suicide as a result of the harassment meted out to her by the neighbours and not because of the applicant and his wife. He submitted that infact the applicant and his wife had given shelter to Shabana and that Shabana was residing with them happily. He submitted that no offence as alleged under Section 306 of the Indian Penal Code is disclosed, qua the applicant, inasmuch as, there is no abetment as is contemplated under Section 107 of the Indian Penal Code. Whether or not an offence under Section 306 of the Indian Penal Code is disclosed or not, is a matter which will be decided by the trial Court. The applicant is in custody since 28th

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

5. Considering the peculiar facts and circumstances of this case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months from the date of his release;
- iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate in the conduct of the trial.

6. The Application is allowed and disposed of in above terms.
7. 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.
8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)