

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1636 OF 2018

Riyaz Abdullah Shaikh ...Applicant.
vs.
The State of Maharashtra ...Respondent.

Mr. M.K.Kocharekar for the Applicant.
Mr. M.G.Patil , APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 6th August, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No. 263 /2017 dated 22.1.2018 registered with Matunga Police Station, Mumbai under Sections 304-B, 306, 498A, 406 read with 34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge sheet.
3. The name of the deceased is Mrs. Noureen Riyaz Shaikh. The date of incident is 3.8.2017. The applicant is the husband of the deceased.

It is the case of the prosecution that, the marriage of the applicant and the deceased was solemnized on 19.12.2013 at Bangalore, State of Karnataka. That, the applicant and other

accused persons used to demand dowry from the deceased and for non payment of the dowry used to cause harassment to her. The applicant also used to raise doubts about the fidelity of the deceased Noureen and on that count also he used to cause harassment to her. That, on 16.8.2017 the deceased committed suicide at the matrimonial house. During the course of investigation the applicant came to be arrested on 22.1.2018 and after completion of investigation the police have submitted charge sheet.

4. The record indicates that, from the statements of various witnesses prima facie it appears that, there is no proximity of the alleged last demand by the applicant and the date of commission of the present offence. Therefore, prima facie at this stage the circumstance of demand at the instance of the applicant has to be kept aside for consideration. The only other circumstance attributed to the applicant is that, he did not allow the deceased to talk with her other family members except her parents and used to raise doubts about the fidelity of the deceased which ultimately lead her to commit suicide.

5. The investigation of the present crime is completed and the police have submitted charge sheet. No fruitful purpose will

be served by keeping the applicant in further incarceration.

Hence, the following order.

- a) The applicant be released on bail in CR No. 263 /2017 dated 22.1.2018 registered with Matunga Police Station, Mumbai on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the applicant shall attend the concerned police station on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- c) The applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- d) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)