

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

BAIL APPLICATION NO. 2375 OF 2018

Inamul Naimul Haq

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep U. Nikam for the applicant.

Ms. J.S. Lohokare, APP for the State.

Ms. Rekha Musale, Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 17th SEPTEMBER, 2018.

P.C.:

. Heard Mr. Kuldeep Nikam, learned counsel for the applicant, Ms. J.S. Lohokare, learned APP for the State and Ms. Rekha Musale, learned Intervenor. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant who is facing trial in Sessions Case No.529/2018 pending on the file of Additional Sessions Judge, Pune. The aforesaid case arises from C.R.No.337/2018 registered with

Kondhwa Police Station, District Pune for offences punishable under section 306, 498(A) r/w. 34 of the Indian Penal Code.

3. The applicant is the husband of the deceased-Rukhsana. They were married in the month of March, 2016. They have one daughter from the said wed-lock. Said Rukhsana committed suicide on 11/06/2018. Shri. Mohamedanul Sahid Ansari, the father of the deceased lodged the first information report alleging that the husband and other members of his family were demanding cash of Rs. 5 lakhs to purchase a car. He claims that he was unable to pay Rs.5 lakhs because of financial constraints. He has alleged that the applicant, his mother and other members of his family had subjected Rukhsana to cruelty because of non payment of dowry.

4. The records reveal that the applicant herein was a software engineer and at the relevant time, posted to Pune. He was residing at Pune alongwith Rukhsana and their daughter. The statements of the neighbours indicate that they had never heard or seen the applicant and his wife fighting. The material on record also *prima facie* indicate that at the time of incident, Rukhsana had latched the room from inside and that when she had refused to open the door, the applicant

had called the neighbours and when they forcibly opened the door, they found that Rukhsana had committed suicide. The post mortem report does not indicate that there were injuries on the other parts of the body.

5. It is to be noted that though the allegation against the applicant is that he had demanded dowry, the material on record *prima facie* indicate that during the pregnancy of the deceased, the applicant herein had transferred money to the account of the deceased as well as her brother. This fact *prima facie* negates the allegation of demand of dowry. Furthermore, the mother and brother of the deceased against whom similar allegations are levelled, are already released on bail. Hence, the applicant is entitled for bail on the ground of parity.

6. It is also to be noted that the investigation in the present case is completed and the charge sheet has already been filed. The presence of the applicant is not required for investigation. There are no chances of the applicant absconding and/or thwarting the course of justice. Considering all the above facts and circumstances, in my considered view, this is a fit case for grant of bail. Hence, Bail Application is allowed on following terms and conditions :-

- (a) The applicant who is facing trial in Sessions Case No.529/2018 pending before the Additional Sessions Judge, Pune arising out of C.R.No.337/2018 registered with Kondhwa Police Station, District Pune is ordered to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount.
- (b) The applicant shall report to the concerned Investigation Officer on first Saturday of every month until further orders.
- (c) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.
- (d) The applicant shall not change his residential address without prior intimation to the concerned Court.
- (e) The applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)