

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2246 OF 2017***

1. Syed Misbahuddin S/o Quaderuddin	)	
2. Siddiqui Mujtaba Bano	)	
3. Syed Nizamuddin	)	
4. Syeda Shakeeba Tabassum	)..	Applicants
Versus		
The State of Maharashtra		...Respondent

Mr.Mr Harshad Sathe i/b. Mr. Harshad Bhadbhade, for the applicants.
Mr.Yogesh Jaybhaye,for the orig. complainant.
Mr. S.R. Agarkar, APP, for the State.
Mr. Atul M. Sonawane, API, Kondhwa Police Station, Pune, present.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 10th January, 2018.***

P.C. :

1. Heard the learned counsel for the applicants and the learned APP. Perused the papers of investigation.

2. It is the case of the prosecuting that Sana Fatima was married to Naquiuddin Mibahuddin on 7.5.2009. That she had died on 28.9.2017 when she was under treatment in Inamdar Multi Speciality Hospital. The

brother of Sana had lodged a report at the police station on 17.11.2017 alleging therein that Sana was ill-treated in her matrimonial home. That she was being humiliated on the ground that sufficient dowry was not paid at the time of marriage. She was ill and her in-laws had not taken proper care and had not given her medical assistance. Several instances are narrated in the first information report. It is also alleged that the parents of Sana had given Rs.5 lakhs to the in-laws of Sana. It is alleged that she was not taken to the hospital for proper diagnosis. Hence, Sana had succumbed to her illness. On the basis of the said report, Crime No.464 of 2017 was registered at the police station against the applicants for the offences punishable under Sections 498A, 304-B, 323, 504, 506(1) read with Section 34 of the Indian Penal Code. Since Sana was not looked after properly, she had succumbed to her illness.

3. Perused the death summary report issued by Inamdar Multi Speciality Hospital. It indicates that the deceased Sana was suffering from tuberculosis. The report says that it was a KOCH's case. She was on AKT Steroids. She was put on ventilation. It also indicates that the report shows mild raised liver enzymes suspected of HINI. On 28.9.2017, the patient had Bradycardia and absent carotid pulse.

4. Upon perusal of the papers of investigation and hearing the submissions of the learned counsel for the applicants, prima facie, it can be said that the applicants have made out a case for grant of pre-arrest bail.

5. The above observations are prima facie in nature and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

(iii) The applicants shall report to the concerned police station as and when called and co-operate with the investigating agency to the best of their capacity.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)