

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

CRIMINAL BAIL APPLICATION NO. 2105 OF 2018

Anwaribano Mohammed Naeemldrisi ... Applicant

Vs.

The State of Maharashtra ... Respondent

...

A.A. Siddique & Associates for the applicant.

Mrs. A.A. Takalkar, APP for the Respondent-State.

Mr. Maruti Jadhav, Police Inspector, Mankhurd Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 12th FEBRUARY, 2019.

P.C.

1. This is an application for bail in connection with C.R. No. 218 of 2017 registered with Mankhurd Police Station for the offence punishable under Section 302 of Indian Penal Code.

2. The case of the prosecution is that deceased was the son of the applicant. He was drug addict and he was in habit of torturing the family members. Considering his violent behaviour, the victim was required to be tied in the house. The daughters of the applicant were sent to Pratapgarh, U.P. on account of behaviour of the victim. He was found dead in the house. When the applicant was questioned about the alleged incident, she has allegedly made

extra judicial confession that on account of conduct of the deceased, his hands were tied and the applicant had allegedly tied the duppatta around his neck and pulled it forcibly as a result of which victim fell unconscious. He died on account of strangulation. On completing investigation, chargesheet has been filed. Learned APP submitted that the charge has been framed on 20th June, 2018, however, so far no witness has been examined in this case.

3. On perusal of the chargesheet, it indicates that the statement of the son of the applicant as well as neighbours were recorded in which they have stated that the deceased was drug addict and used to get violent. He used to torture all the family members and sometimes to prevent him from causing harm to others he was required to be tied with the rope in the house. The alleged act was committed without realising that the said act would cause result into death of the victim. Applicant is in custody from 16th August, 2017.

4. Considering the aforesaid circumstances, bail can be granted to the applicant. Hence, I pass the following order.

ORDER

i. Criminal Bail Application is allowed.

- ii. Applicant is directed to be released on bail in connection with C.R. No. 218 of 2017 registered with Mankhurd Police Station, on furnishing P.R. Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount;
- iii. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)