

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2621 OF 2018**

Irfan @ Rafiullha Shafiullha Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Khalid Azmi i/b Khalid Azmi & Associates for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 10th JUNE 2019

P.C. :

1 Heard learned counsel for the applicant and the learned A.P.P
for the State.

2 By this application, the applicant seeks his enlargement on bail
in connection with C.R. No. 196 of 2018 registered with the Kurla Police
Station, Mumbai, for the alleged offences punishable under Sections 302,
498A, 201, 34 of the Indian Penal Code.

3 Perused the papers. The applicant aged 19 years is the husband of deceased Noorjahan aged 17-18 years. It is the prosecution case that the applicant and deceased Noorjahan got married one year prior to the incident and that the said marriage was a love marriage. It is alleged that the applicant and his mother co-accused Razia Bano would harass and ill-treat Noorjahan. According to the prosecution, the incident took place on 27th April 2018 at around 3:00-4:30 a.m. According to the prosecution, the applicant along with his mother strangled Noorjahan and caused her death. The prosecution case rests entirely on circumstantial evidence. The statement of Saeeduddin Khan, a friend of the applicant, shows that when they went to the applicant's house at about 4:30 a.m., they heard some noise and that the applicant's mother opened the door after quite some time. According to the said witness, when his mother opened the door, the applicant was holding Noorjahan in his hand and that there was an *odhani* around her neck. He has stated that when they looked at the fan, they only saw her *dupatta* being thrown on the fan and that there was no knot tied on the fan.

4 Similarly, the complainant, who is a PSI, had, in her complaint stated that when they visited the spot, they did not find any place where the *dupatta* could have been tied.

5 The post-mortem report of the deceased shows that she had sustained hyoid bone fracture on right side and ligature marks also found on the neck. It is stated that the applicant and his mother were trying to dispose of the dead body of Noorjahan, however, the police received intimation, pursuant to which, investigation commenced, complaint was lodged and after investigation, charge-sheet was filed.

6 Considering the evidence on record, this is not a fit case to enlarge the applicant on bail. Hence, the application is rejected.

7 However, taking into consideration the fact that the applicant is only of 19 years of age, the trial of the applicant is expedited. The learned Sessions Judge to dispose of the case as expeditiously as possible and in any event, within six months from the date of receipt of this order.

8 The application is disposed of.

9 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.