

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

CRIMINAL BAIL APPLICATION NO. 3229 OF 2018

Ruma Begam Anwar Husain Lashkar ...Applicant

Versus

State of Maharashtra & ors. ...Respondents

Mr.SK. Alique Ur Rehman for the applicant.

Mrs.G.P. Mulekar, APP for the respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st FEBRUARY 2019

P.C. :

1. This is an application for bail in CR No.I-67 of 2018 registered with Kasarvadavali Police Station, Thane, for offence punishable under Sections 302 of the Indian Penal Code, 1860. The applicant was arrested on 21st March, 2018.

2. The prosecution case is that the complainant is resident Sainagar, Hanuman Galli, Ghodbunder, Thane. He has six rooms which are adjacent to his house and were given on rent. The deceased approached him for room on rental basis and started residing in the room since 13th March 2018. On 16th March 2018,

when the complainant alongwith his wife had visited the room to check whether water supply is running properly, she found one lady in the room. On enquiry, she was informed that the lady was wife of the deceased. On 18th March 2018, the complainant found that water was overflowing from the said room and that the room was locked by two different locks. On 19th March 2018, the complainant noticed that the water was still flowing and decided to break open the locks of the door. After breaking the locks, she noticed dead body of the deceased with marks of strangulation. The FIR was lodged. Investigation commenced. During the course of investigation, the statements of witnesses were recorded. The prosecution case is that the applicant is the owner of cycle shop and the deceased was her employee and while working there they had developed relationship. There was dispute between them and hence, the applicant had assaulted the deceased and allegedly strangled him. It is also alleged, that the accused had also caused injuries to the private part of the deceased. On completing investigation, the chargesheet is filed.

3. The prosecution case is based on circumstantial evidence. It is alleged that the informant and his wife had last seen the deceased

and applicant together. The cloth which was used in strangulating the deceased has been recovered from the spot.

4. Learned APP submitted that the wife of the complainant has identified the applicant. It is also the case of the prosecution that the knife used in cutting the genital of the deceased was also recovered from the place of incident. She is resident of Bengaluru.

5. Learned counsel for the applicant submitted that apart from the evidence as stated above, there is no other strong evidence to establish that the applicant has committed the crime. It is further submitted that assuming that the case of the prosecution to be true, the defence of the applicant appearing from the memorandum of statement reflected that the applicant has exercised right of private defence and resorted to the alleged act. The applicant is a lady. She is in custody from the date of arrest. Investigation is completed and chargesheet is filed.

6. There is no eye witness to the incident. The evidence is in the form of last seen together. The cloth and knife were allegedly found at the spot.

7. After considering aforesaid circumstances, on certain terms and conditions bail can be granted to the applicant.

8. Hence, I pass following order;

ORDER

- (i) Bail Application No.3229 of 2018 is allowed;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-67 of 2018 registered with Kasarvadavali Police Station, Thane, on her furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall furnish her permanent residential address to the investigating officer;
- (iv) The applicant shall attend the concerned police station once in a month on the first Saturday of every month between 11.00 am to 1.00 pm till further order;
- (v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of four weeks;
- (vi) Criminal Bail Application stands disposed off.

[PRAKASH D. NAIK, J.]