

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.500/2019

Shaikh Raju Sheikh Razzak & Oth..vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Sangram Sirpurkar, Advocate for applicant.
Mr. V. P. Gangane, A.P.P. for non applicant.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 21, 2019

The applicants are apprehending their arrest in connection with crime No. 95/2019 registered with Police Station Sonala, Dist. Buldhana for the offence punishable under Sections 498-A, 323 read with section 34 of the Indian Penal Code, 1860 and under Section 4 of Dowry Prohibition Act, 1961.

2] Heard Mr.Sangram Shirpurkar, learned counsel for the applicants and Mr. V. P. Gangane, learned Additional Public Prosecutor for the State.

3] The marriage of applicant No.1 took place with Smt. Afreenbi Sheikh. Applicant Nos. 2 and 3 are Afreenbi's mother-in-law and father-in-law, whereas, applicant No.4 is her unmarried sister-in-law. Marriage of Afreenbi with applicant No.1 was a love marriage. Afreenbi lodged report with Lady Police Station, Supela, Distt. Durg, Sector-6 of

Bhilai on the basis of which a crime was registered vide Crime No. 0 of 2019 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, 1860 and under Section 4 of the Dowry Prohibition Act, 1961.

4] According to the said first information report, the applicants used to harass her and used to give physical ill-treatment. Resultantly, she left her matrimonial house on 19/04/2019 and started residing at village Supela of State of Chattisgarh. The informant Afreenbi died on 01/06/2019. The crime is transferred from Bhilai to Sonala Police Station under whose jurisdiction the applicants are residing and the first informant's matrimonial house is situated.

5] With the assistance of the learned Additional Public Prosecutor, I perused the case diary especially the post-mortem report. Post-mortem report was conducted at Government District Hospital, Durg on 01/06/2019. The Autopsy Surgeon found no external injury marks on the body. Though the viscera is preserved Autopsy Surgeon was unable to express any definite opinion about cause of death. After the post-mortem report on a separate sheet of paper there is an opinion of Dr. Anup Gupta which reads as under:

“Patient Afreenbi 22 years female came to be operated on 04/05/2019 with history of head-

ache vomiting, decrease sleep vomiting of 25 days duration. Patient was examined and vitals were stabled. Neurological examination was normal. Patient was advised admission and MRI brain with branography and conservative treatment given. Patient Never came up for follow up and admission was refused by relatives.

6] From the aforesaid prima facie it appears that the death was natural though it will be always open for the prosecution during course of trial to show otherwise. Be that as it may, as on today neither at Durg nor at Sonala an offence punishable under Section 304-B is lodged.

7] The applicants were granted *ad-interim* bail on 24/07/2019 with the direction that they shall attend Police Station Sonala, Distt. Buldhana once in a week and shall extend cooperation with the Investigating Officer. According to the submission of the learned counsel for the applicants, the applicants had attended concerned Police Station. The said fact is not disputed by the learned Additional Public Prosecutor.

In totality of the circumstances, I am of the opinion that the applicants can be granted anticipatory bail. Consequently, I passed the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicants- Shaikh Raju Sheikh Razzak, Sheikh Haseenbi Sheikh Razzak, Shaikh Razzak Sheikh Hussain and Rukhiya Sheikh Razzak, in the event of arrest in connection with Crime No. 95/2019, registered with Police Station Sonala, Dist. Buldhana, for an offences punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961, be released on bail on executing P.R. Bond in the sum of Rs.15,000/- by each of them with one surety in the like amount.
- (iii) Only the applicant No.1- Shaikh Raju Sheikh Razzak shall attend Police Station Sonala, Dist. Buldhana once in a week i.e. on every Sunday between 03.00 to 05.00 p.m., till filing of the charge-sheet.

Accordingly, the application is disposed of.

JUDGE

Namrata