

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1377 OF 2020

Shaikh Moin s/o Shaikh Salim
Applicant

Versus

The State of Maharashtra

Respondent

Mr. A.B. Ghule Patil, Advocate for the applicant.
Mr. R.V. Dasalkar, APP for respondent-State.

CORAM : M.G. Sewlikar, J.
VACATION COURT

DATE : 20th November, 2020.

PER COURT :

1. Heard Shri Ghule Patil, learned counsel for the applicant and Shri Dasalkar, learned APP for the State.

2. Mother of the deceased has lodged First Information Report against the applicant and others alleging therein that the deceased got married with the applicant on 26.12.2018. She was maintained well for a period of six months after marriage. Thereafter, the applicant and others started saying that she should bring an amount of Rs. 1,00,000/- from her parents. The deceased used to

disclose the ill-treatment meted out to her at the hands of the applicant and others whenever she had been to her maternal place. When ill-treatment became unbearable, she embraced death by hanging herself. Accordingly, First Information Report came to be lodged on 15.06.2020 on the basis of which, offence under Sections 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code came to be registered.

3. Shri Ghule Patil, learned counsel for the applicant submitted that the allegations against the applicant are general in nature. It is alleged in the First Information Report that the applicant, his parents and other relatives were making unlawful demand of money but the purpose for which said amount was being demanded is not stated in the First Information Report. He submitted that investigation is complete. Charge-sheet has been filed. Therefore, there will not be any justification in detaining the applicant behind bars.

4. Shri Dasalkar, learned APP for the State submitted that the learned Additional Sessions Judge has observed that the possibility of homicidal death of the deceased cannot be ruled out as

the applicant was there only when the deceased was hanging herself. To counter this, learned counsel Shri Ghule Patil submitted that it is not clear as to on what basis the learned Additional Sessions Judge has made these observations.

5. On perusal of the papers annexed with the application, it is seen that the charge-sheet has been filed. The span of marriage is 1 ½ years out of which, as per the First Information Report, for six months there was no ill-treatment. A bald allegation of unlawful demand of money is made without mentioning the purpose for which the said demand is made. Learned APP Shri Dasalkar could not point out any material to show that applicant was there only when the deceased was hanging herself. Therefore, observations of the learned Additional Sessions Judge are without any record. Therefore, having regard to the fact that charge-sheet is filed and the pandemic situation created by Covid-19 and the fact that trial is not likely to conclude within a reasonable period, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

1. Application is allowed.

2. Applicant be released on PR bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount in connection with Crime No. 0297/2020 registered with Kadim Jalna Police Station, Tq. Dist. Jalna, for the offence punishable under Sections 306, 304-B, 498-A read with Section 34 of the Indian Penal Code on condition that he shall not influence the witnesses.

(M. G. SEWLIKAR)
JUDGE

dyb