

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

31 ANTICIPATORY BAIL APPLICATION NO.85 OF 2021

1) Nafisa Begum W/o Mir Safdar Baig,
Age 60 years, Occ. Household,
R/o. Plot No.78, Galli No.2, Near
Waheed Kirana, Sadat Nagar, Railway
Station Road, Aurangabad.

2) Mirza Ubed Baig s/o Mir Safdar Baig,
Age 31 years, Occ. Business,
R/o. As above.

...Applicants

Versus

The State of Maharashtra,
Through Investigation Officer,
Satara Police Station, Aurangabad,
Dist. Aurangabad.

...Respondent

...

Advocate for Applicants : Mr. Sachin S. Randive
APP for Respondent-State : Mr. V.S. Badakh

...

CORAM : MANGESH S. PATIL, J.

DATE : 01 MARCH 2021

PER COURT :

The applicants who are the mother-in-law and brother-in-law of the deceased are seeking bail in an offence registered in connection with her suspicious death while cohabiting with them, registered as Crime No.396/2020 with Satara Police Station, Aurangabad for the offences punishable under section 304-B, 498A and 504 read with Section 34 of the Indian Penal Code.

2. After having heard both the sides, when this Court expressed its disinclination to grant anticipatory bail to the Applicant No.2, who happens to be the brother-in-law of the deceased, his learned Advocate, on instructions, seeks leave to withdraw the application to his extent.

3. So far as the Applicant No.1 is concerned, who is the mother-in-law of the deceased, she has been already protected by the interim relief in terms of the order dated 4 February 2021. There are no allegations about she having committed breach of the terms and conditions subject to which she was granted bail.

4. Besides, accepting the allegations from the FIR at their face value, those are vague and omnibus qua the applicant No.1. It is alleged that the deceased was married on 09.11.2019 and committed suicide on 25.12.2020. It is being alleged that there was persistent demand for money and illtreatment on that count. No specific and precise overt acts are attributed to her. It is being alleged that it is the husband and the applicant No.2, who is the elder brother of the husband, that they demanded money. Initially, the informant, who happens to be the father of the deceased paid them Rs.50,000/- but the demand continued. Even there was a meeting held in the house of the brother of the informant on 28.12.2020, wherein, again the demand was raised by the husband and applicant No.2. Conspicuously, in none

of those episodes, wherein, there was demand for money there is reference to the applicant No.1.

5. Considering the aforementioned state of affairs, the applicant No.1 is entitled to anticipatory bail.

6. The application is partly allowed.

7. The ad-interim relief granted to the applicant No.1 by the order dated 04.02.2021 stands confirmed with the same terms and conditions.

8. The application to the extent of applicant No.1 is dismissed as withdrawn.

(MANGESH S. PATIL, J.)

sarowar