

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

915 BAIL APPLICATION NO.222 OF 2021

1. Sayyad Burhan s/o Sayyad Afzal,
Age : 41 years, Occu : Labour,
R/o. Choti Galli, Tq. Biloli,
Dist. Nanded.
 2. Sayyad Moula s/o Sayyad Afzal
Age : 46 years, Occu : Labour,
R/o. Choti Galli, Tq. Biloli,
Dist. Nanded.
- ... APPLICANTS

VERSUS

The State of Maharashtra ... RESPONDENT

Shri. P. P. More, Advocate h/f Shri. A. B. Shinde, Advocate
for the applicants
Shri. S. P. Sonpawale, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 21st September, 2021

PER COURT :-

1. Heard.
2. The deceased aged 14 years was the daughter of
applicant No. 2 and applicant No. 2 is the brother of
applicant No. 1. The informant is the ASI, Police Station

Biloli, Nanded. Applicant No. 2 the father of the deceased lodged the report with the police station that the deceased committed suicide. Therefore, he visited the spot and drew the spot panchnama. Thereafter he received a phone call on 20th July, 2020 informing him that the deceased was killed by some one. He conducted the investigation. He recorded statements of the witnesses. In the investigation it was revealed that the deceased was the daughter of applicant No. 2 from first wife. The first wife abandoned the deceased and performed second marriage leaving the deceased with the applicant No. 2. The relatives of the applicant No. 2 i.e. grandmother of the deceased by the name Hanifa and grandfather of the deceased by the name of Afjal Sayyad used to abominate the deceased. Applicant No. 1 who is the brother of applicant No. 2 used to harass her finding faults in her behaviour. Applicant No. 2 used to beat her after consuming liquor. Therefore, on 20th July, 2020 the deceased was killed by strangulation and to prevent leaking of this news, the applicants and his relatives had made all the preparation for the burial of the deceased. Thereafter the

informant lodged the report on the basis of which offence under Section 302 read with Section 34 of the Indian Penal Code came to be registered against the applicants.

3. Shri. More, learned counsel submitted that none of the relatives of the deceased had made any complaint to the police. He submitted that applicant No. 2 had informed the police station about the the suicide of the deceased. The post-mortem report is silent as to the cause of death. It is separately given as asphyxia due to strangulation. He submits that except ligature mark there is no injury on the person of the deceased. He, therefore, prayed for releasing the applicants on bail.

4. Learned APP Shri. Sonpawale submitted that the deceased was subjected to illtreatment by the applicants and his relatives. The mother of the deceased had abandoned her and married someone else. He submitted that none of the family members liked the deceased including the applicants. To get rid of her, they strangled

the deceased and gave it a colour of suicide. He, therefore, prayed for rejection of the application.

5. On 20th July, 2020 applicant No. 2 had given intimation of suicide of the deceased. The deceased committed suicide by hanging. None of the family members of the deceased had lodged any complaint about the harassment or illtreatment of the deceased. Soon after the incident applicant No. 2 informed the police about the unnatural death of the deceased i.e. by suicide. There is nothing on record to show that the deceased was subjected to physical illtreatment soon before her death. Charge-sheet is filed. Therefore, custody of the applicants is not required. The applicants do not have criminal record. They have permanent residence at village Biloli, District Nanded. Therefore, they will be available for trial. Since charge-sheet is filed the question of tampering of the evidence does not arise. In this view of the matter, I am inclined to release the applicants on bail. Hence the order.

ORDER

1. Application is allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount in connection with CR No. 127 of 2020 under Section 302 read with Section 34 of the Indian Penal Code registered with Biloli Police Station, Dist. Nanded.
3. Application is disposed of.
4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp