

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.910 OF 2021

1. Shaikh Shamim Sultana Shaikh Maheboob,
Age : 68 years, occu. Pensioner,
2. Shaikh Mujahied Shaikh Masood,
Age : 44 years, Occu : Service (Head Master),

Both R/o Near Kazi Baugh Masjid, Turab-ul-
haque Nagar, Parbhani.
Tq. and Dist. Parbhani

...Applicants.

VERSUS

The State of Maharashtra,
Through Kotwali Police Station,
Parbhani, Tq. & Dist. Parbhani

...Respondent.

WITH
CRIMINAL APPLICATION NO. 1878 OF 2021
IN ANTICIPATORY BAIL APPLICATION NO.910 OF 2021

Taslim Begam w/o Shaikh Arshad,
Age : 30 years, Occu : House wife,
R/o Near Madina Masjid,
Iqbal Nagar, Parbhani,
Tq. & Dist. Parbhani.

...Applicant

VERSUS

- 1) The State of Maharashtra,
Through Police Inspector,
Kotwali Police Station, Parbhani,
Tq. & Dist. Parbhani
- 2) Shaikh Shamim Sultana Shaikh Maheboob,
Age : 68 years, occu. Pensioner,
- 3) Shaikh Mujahied Shaikh Masood,
Age : 44 years, Occu : Service,

Both R/o near Kazi Baugh Masjid, Turab-ul-
haque Nagar, Parbhani. Tq. and Dist. Parbhani
...Respondents.

...

**WITH
ANTICIPATORY BAIL APPLICATION NO.930 OF 2021**

1. Parveen Sultana Hashmi Syed Ibrahim,
Age : 63 years, Occu : Retired Teacher,
2. Hashmi Syed Ibrahim Syed Miskeen,
Age : 68 years, Occu : Retired Govt. Servant,

Both R/o : 177, Maqdumpura,
Wangi Road, Near Maqdumpura Masjid,
Parbhani, Tq. & Dist. Parbhani. ...Applicants
(Accused Nos. 4 & 5)

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station Kotwali,
Parbhani, Tq. & Dist. Parbhani. ... Respondent

...

Advocate for the Applicants : Mr. G. R. Syed h/f.
Mr. Imtiyaz Pathan (in ABA No. 910/2021)
Mr.V. D. Salunke h/f. Mr. M. V. Salunke (in ABA No. 930/2021)
APP for the Respondent – State : Ms. V. S. Choudhari
Advocate for informant to assist APP : Mr. A. P. Gaikwad

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CORAM : V. G. BISHT, J.

DATE : 31st AUGUST, 2021

PER COURT :-

1. Heard. Criminal Application No. 1878 of 2021 for
assisting APP stands allowed in terms of prayer clause 'B' and
disposed of.

2. These are applications under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No.0175/2021, registered with Kotwali Police Station, District Parbhani for the offence punishable under Sections 307, 498-A, 323, 504, 34 of the Indian Penal Code, 1860.

3. It is the case of prosecution that the informant was married to Shaikh Arshad on 08.12.2017. Applicants Shaikh Shamim Sultana Shaikh Maheboob and Shaikh Mujahied Shaikh Masood are mother-in-law and brother-in-law respectively. Whereas applicants Parveen Sultana Hashmi Syed Ibrahim and Hashmi Syed Ibrahim Syed Miskeen are maternal aunt and uncle respectively. After marriage, she was treated well till January 2018 and thereafter all started taunting that her parents had not given much dowry in the marriage and on that count harassment started. She was also asked to bring moneys from her parents.

4. The prosecution alleged that on 22.07.2021 the informant's husband came in her room and started abusing on the ground that why she did not ask her father to transfer house of her father in the name of his daughter. Immediately,

other applicants also came, caught hold of her both hands. Applicant Shaikh Mujahid and Parveen Sultana exhorted others to kill her. The informant's husband then administered some medicine with a view to kill her. As a result of which she started omitting and came out of the house. She then went to police station with her daughter and from there she was referred to Hospital.

5. Mr. G. R. Syed, holding for Mr. Imtiyaz Pathan, learned counsel in ABA No. 910 of 2021 and Mr.V. D. Salunke holding for Mr. M. V. Salunke learned counsel in ABA No. 930 of 2021 for the applicants, submit that as far as the applicants Parveen Sultana Hashmi Syed Ibrahim and Hashmi Syed Ibrahim Syed Miskeen are concerned, they are distant relatives of the informant and are not even residing nearby the house of informant and her husband. Because of the matrimonial dispute all the applicants have been falsely implicated. There are no previous antecedents of criminal nature against the applicants and if they are arrested, they would be put to humiliation and defamation.

6. Ms. V. S. Choudhari, learned APP and Mr. A. P. Gaikwad, learned counsel assisting learned APP for the respondent – State, on the other hand, would submit that the applicants

tried to kill the informant by administering some poisonous substance. The investigation is going on and in such circumstances the present applications should not be considered.

7. During the course of argument when this Court put a query to the learned APP as to the health of informant, the learned APP replied that the informant has already been discharged from the Hospital and is keeping good health. The nature of allegations levelled against the applicants are arising out of matrimonial discord between the applicants and her in-laws including her husband. The allegations against the present applicants are that they used to harass the informant and on the day of incident exhorted each other to kill the informant, as a result of which the informant's husband allegedly administered some medicine of poisonous nature.

8. Having regard to the nature of allegations levelled against the applicants, in my considered opinion, custodial interrogation of these applicants is at all not necessary and therefore, they can be admitted to pre-arrest bail.

9. In view of above, I pass the following order :

ORDER

- (i) Applications are allowed.
- (ii) In the event of arrest of the applicants - Shaikh Shamim Sultana Shaikh Maheboob, Shaikh Mujahied Shaikh Masood, Parveen Sultana Hashmi Syed Ibrahim and Hashmi Syed Ibrahim Syed Miskeen, herein in connection with Crime No.0175/2021, registered with Kotwali Police Station, District Parbhani for the offences punishable under Sections 307, 498-A, 323, 504, 34 of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only] each, with one or two sureties in the like amount.
- (iii) The applicants shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- (iv) The applicants shall not tamper with the prosecution evidence in any manner.
- (v) Applications are accordingly disposed off.

**(V. G. BISHT)
JUDGE**

shp/-