

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.918 OF 2021

Mojjam s/o Altaf Shaikh,
Age 30 years, Occ : Business,
R/o Kazigalli, Tal. Jamkhed,
Dist. Ahmednagar.

... Applicant

VERSUS

The State of Maharashtra
Through Police Inspector,
Jamkhed, Dist. Ahmednagar.

... Respondent.

...

Advocate for the Applicant : Mr. Shaikh Mazhar A. Jahagirdar h/f.
Mr. S. D. Tawshikar

APP for the Respondent – State : Ms. V. S. Choudhari

...

CORAM : V. G. BISHT, J.

DATE : 27th AUGUST, 2021

PER COURT :-

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.I-326 of 2021 registered with Jamkhed Police Station, District Ahmednagar for the offence punishable under Sections 306, 304-B, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. It is the case of prosecution that the informant's daughter, namely, Aamreen was married to applicant on 13.02.2020. After three months of the marriage, however, the applicant and his parents started quarrelling, asking her to bring Rs.2,00,000/- for business and also beating her. It is alleged that the above harassment continued. On 12.07.2021, the informant's daughter again rang up her brother and repeated the same harassment, as noted above. Later on in the evening at about 6.30 p.m. the informant came to know from his relative that his daughter committed suicide by hanging herself on a ceiling fan.

3. Mr. Shaikh Muzhar A. Jahagirdar holding for Mr. S. D. Tawshikar, learned counsel for the applicant, submits that the deceased used to be under depression because of diagnosis of tumour and invited my attention to the medical papers (Exhibit-C collectively). According to learned counsel, the deceased was under the depression, which led her to take extreme step of suicide. In such circumstances, the present application deserves to be allowed, urged learned counsel.

4. Ms. V. S. Choudhari, learned APP, on the other hand, would submit that the present case is of dowry death having been taken place within 7 years of the marriage. There is a

suicide note also showing that because of illtreatment, harassment and illegal demand of moneys, the deceased committed suicide.

5. In the re-joinder to the submissions of learned APP, learned counsel for the applicant would submit that as far as the suicide note is concerned, the allegations are against the father-in-law and mother-in-law and not against the present applicant. His submission is not disputed by the learned APP.

6. Having regard to the nature of allegations levelled against the present applicant, I am of the view that the custodial interrogation of the applicant is not necessary. However, necessary conditions can be imposed upon him while extending benefit of pre-arrest bail in his favour.

7. In view of above, I am inclined to allow the application. Hence, I pass the following order :

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant - Mujjam s/o Altaf Shaikh herein in connection with Crime No. I-326 of 2021 registered with Jamkhed Police Station, District Ahmednagar for the offence punishable under Sections 306, 304-B, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only), with one or two sureties in the like amount.

- (iii) The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- (iv) The applicant shall not tamper with the prosecution evidence in any manner.
- (v) Application is accordingly disposed off.

(V. G. BISHT)
JUDGE

shp/-