

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

ANTICIPATORY BAIL APPLICATION NO. 1148 OF 2021

Shahin w/o Altaf Shaikh, ... **Applicant**
Age 56 years, Occu: Household,
R/o Dronagiri Colony, Jamkhed
Tq. Jamkhed, Dist. Ahmednagar

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Station Officer,
Jamkhed Police Station,
District Ahmednagar

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the applicant,
Mr. A. V. Deshmukh, A.P.P. for the State.
Mr. S.E. Shekade, Advocate assists to PP:

CORAM : PRAKASH D. NAIK, J.
DATE : 14th December, 2021

ORDER:

1. The applicant is apprehending arrest in connection with Crime No. 326/2021 registered with Jamkhed Police Station, District Ahmednagar for the offences punishable under Sections 306, 304(B), 498(A), 323, 504, 506 read with 34 of the Indian Penal Code.
2. The First Information Report (for short "FIR") was lodged on 13th July, 2021 by Shabbir Ismail Pathan. He is father of the deceased. Marriage of complainant's daughter Amarin (deceased) was performed with Mojjam Altaf Saikh on 13.02.2020. The deceased was illtreated by the accused. There was demand of money for the purpose of business.

She was assaulted. She was subjected to physical and mental cruelty. There was demand of Rs. Two lakhs by the accused. The complainant and other relatives had visited the matrimonial home of deceased and tried to convince them, not to abuse and illtreat the deceased. They were also informed that financial condition of the complainant is not sound and they cannot fulfill the demand of accused. On 22.06.2021, the deceased had called the complainant and informed that accused are abusing, threatening and assaulting her. She also told them to take her with them. She was brought to parental home. She informed them about ill-treatment caused by the accused. There were attempts to resolve the differences. On 12.07.2021, the deceased had informed her brother that she is being ill-treated, assaulted, and threatened. Victim also stated that she is fed up due to harassment caused to her. On the same day, at about 08.15 p.m., call was received from the relatives stating that Amarin had committed suicide by hanging with the help of Odani to ceiling fan. The complainant and others visited the house of the victim. She was taken to Hospital. She was declared dead. Postmortem was conducted. The FIR was registered.

3. Learned counsel for the applicant had submitted that the allegations are after thought. The applicant is mother-in-law. Custodial interrogation is not necessary. Husband of the victim is granted anticipatory bail by this Court by order dated 27th August, 2021. Father

-in-law of the victim was arrested and granted bail. The dispute is on account of matrimonial differences.

4. Learned APP and learned Advocate for the complainant submitted that the offence is of serious nature. Victim was subjected to mental and physical cruelty. There was demand of money by accused. Specific allegations are attributed to the applicant. The victim has committed suicide on account of harassment by accused. The victim has written suicide note on her body that she is committing suicide due to harassment by father-in-law and mother-in-law. Suicide note was found during the course of investigation. The role of husband of the victim can be distinguished. The victim has exonerated him in the suicide note. However, there are specific allegation against the applicant.

5. On perusal of the postmortem report, it is apparent that victim was subjected to harassment by the accused. She committed suicide by hanging. The applicant is mother-in-law. There are specific allegations against her. The photographs of the body of victim were clicked during investigation which indicate that the victim has executed writing on her thighs that father-in-law and mother-in-law are responsible for suicide. They were demanding money. The suicide note also attributes overt act to the applicant and her husband. The suicide note however indicate that her husband is not responsible. The note

mentions that her father is patient and it is not possible for him to give dowry. She was subjected to harassment. There was demand of money. Thus, the case of husband of the victim was distinguished while granting anticipatory bail to him. The record also indicates that victim was pregnant at the time of suicide.

6. Considering the aforesaid circumstances, no case for grant of anticipatory bail is made out. Hence, I pass following order:-

ORDER

- i. Anticipatory Bail Application No. 1148 of 2021 is rejected.
- ii. At this state, learned counsel for the applicant submits that applicant proposes to move the Hon'ble Apex Court and hence, interim relief granted to applicant on 29th September, 2021 may be continued for a period of four (4) weeks. Learned APP opposes prayers for extension of relief. Considering the submissions of learned counsel for applicant, interim relief is extended for a period of four (4) weeks.

(PRAKASH D. NAIK, J.)

JPC