

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

**8 ANTICIPATORY BAIL APPLICATION NO.1177 OF 2021**

SAYYED SHAHIN BEGUM W/O. SAYYED RAUF

**VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Amol S.Gandhi, Counsel for applicant

Mr. A.S.Shinde, APP for respondents-State

...

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 22<sup>nd</sup> NOVEMBER, 2021**

**PER COURT:**

1] The First Information Report was registered with Peth Beed Police Station on 03.09.2021 vide C.R. No. 170/2021 under Sections 304-B, 498-A read with 34 of the Indian Penal Code.

2] The complainant is a brother of the deceased. The marriage of the deceased and son of applicant was performed on 26.07.2017. There were two children out of wedlock. The deceased was harassed by the accused. She was subjected to physical and mental cruelty. There was demand of Rs. 1,50,000/- for business. It is further alleged that for not complying the demand of money, the deceased was told to remove the pin of electric water meter which was in dangerous condition, which has resulted electric shock to the victim and the accused were responsible for her death.

3] Learned Advocate for the applicant submits that the allegations are false. The applicant is mother-in-law of the deceased. She is looking after the minor children of the victim and her son. The co-accused are arrested. From the FIR itself it can be seen that the incident is due accidental. Accused Sayyad Faruq and Sayyad Sohail were arrested and they were granted regular bail by the Court of Sessions on 28<sup>th</sup> October, 2021. Sayyad Abdul was granted anticipatory bail by the Sessions Court on 28<sup>th</sup> October, 2021.

4] Learned APP submitted that the investigation is in progress. He pointed out the observations made by the Sessions Court in the order refusing anticipatory bail wherein the reference is made to statements of Shabaz Khan and Atiq which were recorded on 05.09.2021. According to them they had entered into house after hearing shouts of the victim and the victim had told that the accused have killed her. It is pertinent to note that the incident had occurred on 02.09.2021. The FIR was lodged by the brother of the victim on 03.09.2021 and the statements of these two witnesses were recorded on 05.09.2021. If they had talk with the victim it was expected that they could have disclosed the version of the victim before her death to the brother of the complainant. The FIR is silent in that regard. The statements of above witnesses were recorded under Section 164 of Cr.P.C. The statements support the prosecution

case. The victim was illtreated by the accused. Complaint was lodged in the past.

5] In view of the aforesaid factual aspects, interim relief granted to the applicant can be confirmed. Hence, I pass the following order.

### **ORDER**

- (i) Anticipatory Bail Applications No.1177 of 2021 is allowed.
- (ii) Interim order dated 13<sup>th</sup> October, 2021 is confirmed.
- (iii) In the event of arrest of applicant in connection with CR No.170 of 2021 registered with Peth Beed Police Station, Dist.Beed, the applicant be released on bail on their executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
- (iv) Applicant shall report Investigating Officer, as and when called for.
- (v) Application stands disposed of.

**( PRAKASH D. NAIK, J. )**

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