

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

920 ANTICIPATORY BAIL APPLICATION NO.1305 OF 2021

- 1) Zareena Azhar Shaikh,
 - 2) Shaikh Lateef s/o Shaikh Patel,
 - 3) Shaikh Parveen w/o Shaikh Riyaz,
 - 4) Nahid Anees Shaikh
- ...Applicants**

VERSUS

The State of Maharashtra **...Respondent**

WITH

ANTICIPATORY BAIL APPLICATION NO.1443 OF 2021

- 1) Shaikh Feroz S/o Shaikh Latif,
 - 2) Shaikh Nafisa w/o Shaikh Latif,
 - 3) Shamim Begum w/o Anis Shaikh
- ...Applicants**

VERSUS

The State of Maharashtra **...Respondent**

WITH

CRIMINAL APPLICATION NO.2932 OF 2021

Shaikh Gulludin Bashir

VERSUS

The State of Maharashtra & others

IN

ANTICIPATORY BAIL APPLICATION NO.1305 OF 2021

...

Mr. Saeed S.Shaikh , Advocate for applicants

Mr. A.V.Deshmukh, APP for Respondent-State

Mr. Ramrao G.Nirmal, Advocate for complainant (assist to APP)

...

CORAM : PRAKASH D. NAIK, J.

DATE : 16th DECEMBER, 2021

PER COURT:

- 1] The applicants are apprehending arrest in Crime No.0288 of 2021 registered with Sailu Police Station, Tq.Sailu Dist.Parbhani for the

offences punishable under Sections 498(A) and 306 read with Section 34 of Indian Penal Code (for short, 'IPC').

2] The case of the prosecution is that the marriage of the victim was performed with applicant No.1 in ABA No.1443 of 2021 on 23rd May, 2021. The victim has committed suicide in the night of 3rd October 2021. It is alleged that the accused used to harass the victim. There was demand of dowry. The victim was pregnant at the time of the incident.

3] Learned Advocate for applicant submitted that most of the applicants are residing separately. The allegations against them are vague. Learned APP submitted that in the night of the incident, there was long conversation between the husband and the victim. All the other applicants had allegedly harassed the victim.

4] Learned Advocate for the complainant supported the submission of learned APP. It is submitted that the incident occurred within a short span of time of marriage. The presumption under Evidence Act is attracted. The victim was pregnant at the time of the incident.

5] Since the Court was not inclined to grant relief to the husband of the victim (applicant no.1 - Shaikh Feroz Shaikh Latif), learned counsel for applicants on instructions, seeks permission to withdraw his application.

6] So far as other applicants/accused are concerned, most of them are ladies and residing separately. It appears that the last conversation was between husband and victim.

7] Applicant - Zareena Azhar Shaikh is the sister-in-law, applicant Shaikh Lateef Shaikh Patel is the father-in-law aged 67 years, applicant Shaikh Parveen Shaikh Riyaz and Nahid Anees Shaikh are the sister-in-laws of the victim. They are residing separately. Shaikh Nafisa w/o Shaikh Latif is mother-in-law of the victim aged 67 years and Shamim Begum w/o Anis Shaikh is the sister-in-law of the victim residing separately.

8] Considering the factual aspects of the matter, custodial interrogation of applicants except husband of victim, is not necessary.

ORDER

- (i) Anticipatory Bail Application No.1305 of 2021 is allowed.
- (ii) Anticipatory Bail Application No.1443 of 2021 is partly allowed.
- (iii) Application of applicant No.1 in ABA No.1443 of 2021 is allowed to be withdrawn since the Court was not inclined to grant relief.
- (iv) In the event of arrest of applicants in ABA No. 1305 of 2021 and applicant Nos. 2 and 3 in ABA No.1443 of 2021 in connection with Crime No.0288 of 2021

registered with Sailu Police Station, Tq.Sailu, Dist.Parbhani, the applicants be released on bail on executing P.R.Bond in the sum of Rs.20,000/- each, with one or more sureties in the like amount.

- (v) Applicants shall report the Investigating Officer on 27, 28 and 29 December 2021 between 11.00 am to 01.00 pm and thereafter, as and when called for.
- (vi) Applications for anticipatory bail stand disposed of.
- (vii) Criminal Application No.2932 of 2021 stands disposed of.

(PRAKASH D. NAIK, J.)