

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

**BAIL APPLICATION NO.1593 OF 2021**

Zafar Shaikh s/o Shaikh Akhtar = **APPLICANT**

**VERSUS**

The State of Maharashtra = **RESPONDENT**

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Mr.VD Sapkal, Sr.Counsel i/by Advocate Khizer Patel, for Applicant;

Mr.AM Phule,APP for Respondent-State.

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**CORAM : SMT.VIBHA KANKANWADI,J.**

**DATE : 20<sup>th</sup> December, 2021.**

**PER COURT :-**

1. Present application has been filed under Section 439 of Cr.P.C. by accused No.1, who has been arrested in connection with CR No.65/2021 registered with Jinsi Police Station, Dist.Aurangabad for the offences punishable under Sections 306, 498A and 323 of IPC.

2. Heard learned Advocate for the applicant and learned APP for Respondent-State. In order to cut short it can be stated that both of them have made submissions in support of their respective contentions.

(2)

3. Perusal of the FIR lodged by brother of the deceased shows that the deceased was married to present applicant in the year 2015, however, there was talaq between them after 18 years. It is then stated that after about eight months, she again married to the present applicant and then they have a daughter of four years old. It is then stated that the applicant was harassing the deceased on the count that the deceased has not brought dowry for him. The deceased was subjected to ill-treatment physically as well as mentally. The deceased was 3<sup>rd</sup> wife of the applicant. There was dispute on 27.1.2021; 28.2.2021 and 3.3.2021. The present applicant gave a phone call to nephew of the informant, stating that the deceased has consumed some poisonous substance. She was then taken to hospital, however, she succumbed.

4. From the contents of the FIR, it can be seen that now nothing is required to be recovered at the instance of the applicant. Merely because the accused-applicant had not informed the things immediately, it does not dis-entitle him from claiming bail.

(3)

5. Learned APP strongly opposed the application on the count that there is criminal history of the present applicant and with three police stations, several complaints have been filed against the applicant.

. Even if we consider this aspect; yet taking into consideration the present case, that criminal history will not dis-entitle the applicant from claiming bail as investigation of this crime can go on even after the applicant is released on bail. Hence, following order.

ORDER

i. The Bail Application stands allowed.

ii. The applicant be released on bail in connection with CR No.65/2021 registered with Jinsi Police Station, Dist.Aurangabad for the offences punishable under Sections 306, 498A and 323 of IPC on PR bond of Rs.50,000/- (Rupees fifty Thousand) with two solvent sureties of Rs.25,000/- each.

iii. The applicant shall attend the concerned police station once in a week

(4)

between 10.00 AM to 2.00 PM.

iv. The applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner.

v. Along with submitting the bail papers before the learned Trial Judge, the applicant shall give his complete address of the place of residence where he intends to reside till end of the trial.

vi. The applicant shall also give the said information to the Investigating officer along with mobile number and shall comply with the requirements set out in Para No.12 (1) to (6) of Chapter-I of Criminal Manual, whichever are applicable.

vii. Bail before the trial Court.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**