

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 553 OF 2021

Istekhar Abbasali Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

.....
Mr. Prashant Patil, Advocate for the Applicant.

Ms. M. R. Tidke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th MARCH, 2021

PER COURT:

1. This is an application for bail in connection with C.R. No. I-123 of 2020 registered with A.P.M.C. Police Station, Navi Mumbai for offence under Section 306 r/w Section 34 of Indian Penal Code. The First Information Report was lodged by the brother of the deceased on 23rd April, 2020. The applicant is arrested on 30th May, 2020.

2. The case of the prosecution is that, on 20th April, 2020 deceased - Saba committed suicide by hanging to ceiling fan with Odhani. She was dead. Thereafter, ADR was registered. During investigation suicide note written by victim was found in the house. In the suicide note it was stated that two boys had exploited her and

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spoiled her life. Golu Kushwaha had used her and left her. Stekher Shaikh had also committed similar act. They should be punished. It was also stated that Mustafa is a good boy. She treats him as her husband. The note was signed with date 12th April, 2020. On inquiry complainant learnt that Golu and Shaikh were troubling her.

3. Learned counsel for the applicant submitted that, on the basis of suicide note applicant has been falsely implicated in this case. Suicide note is dated 12th April, 2020 and the suicide was committed on 20th April, 2020. Therefore, the deceased was having sufficient time to think of the act and thus, it cannot be said that applicant/accused has allegedly committed any act which had driven the deceased to commit suicide. Nothing has been recovered from the applicant. There is no evidence against the applicant to show that he abetted, aided or instigated commission of suicide by deceased. Co-accused Rajesh @ Golu Surajbali Khushwah has been granted bail by the Sessions Court. The applicant is entitled for bail on parity. There are no criminal antecedents against the applicant.

4. Learned APP submitted that nature of offence is serious. The informant has alleged that the applicant and co-accused caused harassment to the deceased due to which she committed suicide. The statements of the friends of the deceased reveals that the applicant

and co-accused used to harass the deceased. Suicide note implicates applicant.

5. I have perused the documents on record it is apparent that in suicide note there is reference of accused having used the victim and left her. The father of victim in his statement has stated that after learning about his daughters affair with Golu Kushwaha (co-accused), his son Imran had called Golu and warned him not to keep in touch with victim. Victim had told them that she is having friendship with Golu and not in love with him. Isthekar was also harassing victim. She wanted to marry Mustafa. Statement of Payal Menaria was recorded on 5th May, 2020. She is friend of Saba (victim). She stated that Golu used to meet Saba frequently. She had seen them together. Saba told her that her brother came to know about her affair with Golu and he had warned him not to keep in touch with her and assaulted him. Victim was friendly with Isthekar. She had stated that he had promised her that he would marry her and maintained physical relationship. Golu came to know about it and there was quarrel between Golu and Isthekar. Investigation is completed and the charge-sheet is filed. There are no criminal antecedents against the applicant. Applicant is arrested on 30th May, 2020 and since then he is in custody. Co-accused Rajesh @ Golu Surajbali Khushwah has been granted bail by the Sessions Court.

Considering the factual matrix of the case further detention of the applicant is not necessary. Hence, case for grant of bail is made out.

ORDER

- (i) Criminal Bail Application No. 553 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-123 of 2020 registered with A.P.M.C. Police Station, Navi Mumbai on executing P.R. Bond in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) Applicant shall produce the photo identity, address proof, mobile details of self and his two close relatives.
- (v) The applicant shall not tamper with the evidence.
- (vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)