

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

ANTICIPATORY BAIL APPLICATION NO.2125 OF 2019

Mohammad Mehboob Shaikh Applicant

versus

State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2126 OF 2019**

Shamim Mohammad Shaikh Applicant

versus

State of Maharashtra Respondent

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- Mr.Satyavrat Joshi, Advocate for Applicants.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd MARCH, 2021

P.C. :

1. Both these applications are decided by this common order because they arise out of same investigation.
2. The Applicants are seeking anticipatory bail in

connection with C.R.No.776/20196 registered with Pimpri Police Station, under sections 498-A, 306 r/w 34 of the Indian Penal Code.

3. The Applicant Mohammad Mehboob Shaikh in Anticipatory Bail Application No.2125/2019 is the father-in-law and the Applicant Shamim Mohammad Shaikh in Anticipatory Bail Application No.2126/2019, is the mother-in-law of the deceased Nilofar.

4. The FIR is lodged by father of the deceased. He has stated that Nilofar was married to the Applicant's son Tausif Mohd. Shaikh on 07/05/2017. It is mentioned in the FIR that the Applicants were selling vegetables at Pimpri. The deceased had a son aged 14 months. At the time of incident the deceased was in the fifth month of her pregnancy. There are allegations in the FIR that Nilofar was harassed by her in-laws. Her husband used to beat her at the instigation of the Applicants. There are allegations that the husband's relatives were causing mental and

physical harassment on the ground that sufficient articles and money was not given during marriage. She was not given food properly. However her parents used to pacify her and used to tell her that her future would be better. On 05/07/2019 Nilofar consumed poison. She was taken to YCM Hospital. The Applicant Mohammad Mehboob Shaikh told Nilofar's aunt that they need not visit Nilofar in the hospital and that he would drop her to Latur. In the meantime Nilofar's husband brought her home, though she was in need of further medical treatment. Ultimately, she died on 09/07/2019. On this basis, FIR is lodged.

5. Heard Mr.Satyavrat Joshi, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State.
6. Learned counsel for the Applicants submits that the allegations in the FIR are vague and no offence is made out against them.
7. Learned APP opposed this application. She relied on

the statements in the FIR as well as on the statements of witnesses recorded during investigation.

8. I have considered these submissions and I have perused the papers of investigation. The investigation papers include statements of mother and aunt of the deceased. However, they only speak about the incident of consuming poison by Nilofar. In those statements there is no reference to cruelty or harassment caused to the deceased in particular by the present Applicants. Even in the FIR the allegations are general in nature. No specific allegations are made against the present Applicants. Allegations are vague. In this view of the matter, after more than 1 ½ years custodial interrogation of the Applicants is not going to be really worthwhile. They, of course, will have to face the prosecution. In this view of the matter, anticipatory bail can be granted to both the Applicants.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.776/20196 registered with Pimpri Police Station, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)