

1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 200/2021.

Jahedabi Sheikh Ishak

-VERSUS-

The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri V.D. Dharne, Advocate for the Applicant.
Ms. S. Jachak, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : MARCH 25, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant – lady is seeking regular bail in Crime No.279/2020 registered at Ner Parsopant Police Station, District Yavatmal for the offence punishable under Sections 304-B, 498-A read with 34 of the Indian Penal Code.

3. The applicant is seeking bail by submitting several excuses. Primely, it is argued that the applicant – lady is no way concern with the occurrence. According to the applicant, the deceased

2

was having love affair preceding her marriage and out of that she has committed suicide by way of consuming insecticides. It is submitted that there is considerable delay in lodgment of first information report. Moreover, the applicant would submit that initially interim protection was granted, which was not at all misused.

4. The non-applicant State has resisted the bail by filing reply-affidavit. The State has narrated the prosecution case in detail. The informant's daughter got married with the son of the applicant on 01.04.2020. Within two months, the informant came to know from his daughter that her husband and in-laws were harassing her at the instance of monetary demand and refrigerator. After few days, he was telephonically informed by his daughter that her husband used to beat her at the instance of unlawful demand and his parents were instigating. Moreover, the ill-feted lady disclosed that her husbands relatives are also instigating to meet the demand. Finally on 30.07.2020, informant learn that his daughter died due to consuming insecticide. He has filed report on 09.08.2020, suspecting that all the accused had

3

administered insecticide to her daughter, and accordingly caused her death to meet unlawful demand.

5. The Trial Court has released other relatives of the husband, except his parents. The applicant's daughter-in-law died on 30.07.2020, on which the police initially registered A.D. and enquired the matter. After 8 days, the informant [father of the deceased] has lodged report regarding occurrence.

6. The learned A.P.P. took me through the statement of one Parveen Bano, who has stated that deceased Heena was forcibly administered insecticide by her husband to which her in-laws assisted. In response to that, the applicant has pointed out statements of Sheikh Ajim, Suman Shende and Naved Khan to show that when Heena died, at that time her husband and in-laws were not present in the house. This is a matter of trial, however, at this stage, there appears to be inconsistencies.

7. On perusal of the first information report and relevant statements it reveals that more grave role is assigned to the husband of the deceased. The allegations against the present applicant are about

4

instigating her son to harass the deceased to meet unlawful demand. Already investigation is complete, and charge sheet has been filed. There is delay of 8 days in lodging of first information report. The applicant being lady, the chances of tampering with prosecution evidence are very less. There is no purpose in detaining the lady behind bar, as trial will take considerable period for its disposal. Having regard to the facts and circumstances, following order is passed :

- (i) The applicant – Jahedabi Sheikh Ishak is released on bail in connection with Crime No.279/2020 registered with the non-applicant Ner Parsopant Police Station relating to offence punishable under Sections 304-B, 498-A read with Section 34 of the Indian Penal Code on her furnishing P.R Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the

5

case, as also shall not tamper with the evidence.

(iii) Criminal Application is accordingly disposed of.

JUDGE

Rgd.

**Rakesh
Dhuriya** Digitally signed
by Rakesh
Dhuriya
Date: 2021.03.26
12:53:54 +0530