

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 363 OF 2021

Mujibur Sheikh Raheman s/o Ebadullah Sheikh

..vs..

State of Maharashtra, thr. P.S.O.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Firdos Mirza, Advocate for Applicant.

Shri A.M. Kadukar, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 05/07/2021

Hearing was conducted through Video Conferencing.

2. In anticipation of arrest in Crime No.468 of 2021 registered with Hinganghat Police Station for the offence punishable under Section 306 of the Indian Penal Code, the applicant is seeking for grant of pre-arrest bail.

3. The State resisted bail by filing affidavit-in-reply and pointing towards seriousness of the crime.

4. This Court has granted interim protection to the applicant vide its order dated 23.06.2021 which is prevailing till date. With the assistance of both learned Counsel for the respective parties, contents of the F.I.R. were gone into. The applicant got married with the deceased lady long back in the year 2008 and

there were allegations of matrimonial disputes at initial time. As per First Information Report, on 24.01.2021, when the informant (father of the deceased) went to the house of the applicant at Hinganghat, he came across that deceased was not well. At that time, the deceased had denied that she had consumed any poisonous substance. Thereafter, her health deteriorated and finally she died on 30.01.2021. Probably, the cause of death is shown as 'death by poison'.

5. The contents of First Information Report itself *prima facie* shows that from 24.01.2021 to 30.01.2021, the informant was in constant touch with his daughter, however, no such grievance which could be termed as sufficient instigation to commit suicide emerges. Moreover, after five months from the death of the deceased, report has been lodged. The submission about false implication needs consideration in trial.

6. In view of that, applicant has made out a case for grant of pre-arrest bail. Hence, the following order:

(a) The Criminal Application is allowed and disposed of.

(b) Ad-interim order dated 23.06.2021 is hereby made absolute.

- (c) Instead of condition in respect of attendance as imposed earlier, the applicant shall attend concerned Police Station as and when called for.
- (d) The Applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

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