

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 BAIL APPLICATION NO.422 OF 2022

MOHASIN RAMJAN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Kanawade Ajay T.
APP for Respondent – State : Mr. S. B. Narwade
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22.04.2022

ORDER :-

1. The applicant has been arrested on 14.12.2021 in connection with Crime No.692 of 2021 registered with Sangamner City Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 498-A, 323, 504, 506 of Indian Penal Code. He has filed present application for bail under Section 439 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. A. T. Kanwade for the applicant and learned APP Mr. S. B. Narwade for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. The charge-sheet is filed after the completion of investigation on 07.02.2022. Therefore, obviously the further custodial interrogation of the applicant is not necessary for the purpose of investigation. Under such circumstance, it is required to be noted as to what is the evidence against the present applicant.

4. Deceased is the wife of the present applicant and she has committed suicide by hanging. The postmortem report though states about the surface injuries, yet the probable cause of death is stated to be “death due to asphyxia due to hanging”. The FIR has been lodged by the father of the deceased and he says that the deceased was harassed by the present applicant and his family members. Since six months from the marriage that had taken place in the year 2013, the deceased was harassed mentally and physically initially for motorcycle and gas connection and thereafter for purchasing truck. He also states that on the day earlier to the incident, deceased had called him and told that she has been severely beaten and it is also stated that the informant had advised her that she should go and lodge the report about the incident, but it appears that there is no such lodging of report by the deceased. CDR of the mobile of the informant appears to be not collected to corroborate his statement that on the earlier day, deceased had called him at about 8.00 a.m. The statement of her brother says that the

deceased had called him at 4.00 p.m. on 12.12.2021. It also appears from the statement of the parents of the deceased as well as her brother that deceased has two sons aged 7 and 5. Their statements have not been recorded by the Investigating Officer.

5. Now, when the investigation is over and nothing is to be recovered at the instance of the present applicant, whatever allegations are there about the harassment are under Section 498-A of the Indian Penal Code and, therefore, till the conclusion of the trial, he deserves to be released on bail on conditions. Hence, the following order :-

ORDER

- I) Application is hereby allowed.
- II) Applicant – Mohasin Ramjan Shaikh, who has been arrested in connection with Crime No.692 of 2021 registered with Sangamner City Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 498-A, 323, 504 and 506 of Indian Penal Code, be released on P. R. Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each.
- III) The applicant shall not enter the jurisdiction of Waluj, Tq. Gangapur, Dist. Aurangabad till the conclusion of trial.
- IV) He shall not tamper with the evidence of the prosecution in any manner.

V) He shall not indulge in any criminal activity.

VI) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]

scm