

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.527 OF 2021

Mirza Aslam Beg Safdar Beg

Applicant

Versus

The State of Maharashtra

Respondent

Mr. R.S. Deshmukh, Senior Counsel instructed by Mr. Devang Deshmukh, Advocate for the applicant.

Mr. A.V. Deshmukh, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 28th JANUARY, 2022.

PER COURT :

1. Heard.

2. It is alleged that marriage of deceased Rufaida took place with the applicant on 9th November, 2019. Family of the applicant is a joint family. It is further alleged that after one month of marriage, applicant and his family members started ill-treating deceased Rufaida. It is alleged that applicant and his family members started demanding Rs. 2,00,000/- for setting up a mobile shopee. Informant, the father of the deceased, paid Rs.50,000/- to the

applicant and his family members. Thereafter deceased conceived. When she was in advanced stage of pregnancy, again applicant and his family members started demanding Rs.2,00,000/- for setting up a mobile shoppee. They started ill-treating the deceased physically and mentally. A meeting was arranged at the house of Tasadduk Hussain Khan (younger brother of informant) on 20th December, 2020. There also, demand of Rs.2,00,000/- was made. Applicant and his family members threatened the informant that if amount of Rs. 2,00,000/- was not paid, all would face dire consequences. On 25th December, 2020, Tasadduk Hussain Khan informed the informant that health of the deceased was not good. When they went to the matrimonial place of the deceased, they found the deceased lying on a cot in unconscious condition. On enquiry, informant was told that deceased committed suicide by hanging. Accordingly, First Information Report came to be lodged on 25th December, 2020.

3. Shri Deshmukh, learned Senior Counsel, submits that similar set of allegations are made against the accused who are released on bail. He submits that some of the applicants were released on bail. The witnesses are stating the same allegations as are narrated in the First Information Report. All these statements

are stereo type statements. He, therefore, seeks release of applicant on bail.

4. Learned APP Shri Deshmukh submits that there are serious allegations against the applicant. Demand of Rs.2,00,000/- was made for setting up mobile shoppee. Amount of Rs.50,000/- was paid but that did not satisfy the greed of the applicant and his family members. They again started demanding Rs.2,00,000/-. A meeting was also arranged at the residence of younger brother of the informant in which, same demand was repeated and threat of dire consequences was issued in case the demand was not met. He, therefore, prays for rejection of the application.

5. Charge-sheet is filed. On perusal of the First Information Report and the charge-sheet, it is seen that vague and general allegations are made against the applicant and his family members. It is vaguely alleged that all the family members started demanding Rs. 2,00,000/- for setting up mobile shoppee for the elder brother of the applicant by the name of Mirza Uber. In order to bring the offence under Sections 498A and 304B of the Indian Penal Code, specific allegations have to be made against the accused. In the case

at hand, not only vague allegations about unlawful demand are made, but the allegations in respect of ill-treatment are also vague and general. It is vaguely alleged that deceased was subjected to mental and physical harassment. No details of harassment are given. Applicant is behind the bars from 26th December, 2020 i.e. for more than a year. He does not have any criminal antecedent. He is not likely to flee from justice. In this view of the matter, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.35,000/- (Rs. Thirty Five Thousand) with one solvent surety in the like amount in connection with Crime No. 396/2020 registered with Satara Police Station, Aurangabad, for the offence punishable under Sections 304B, 498A, 504 read with Section 34 of the Indian Penal Code, on condition that he shall not pressurise the witnesses, shall not tamper prosecution evidence and shall attend the dates fixed during the trial.
- iii) Application stands disposed of.

iv) It is clarified that observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge

dyb