

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.843 OF 2022
WITH APPLN/2242/2022**

RESHMA SHAHARUKH KURESHI AND OTHERS ..APPLICANTS

VERSUS

THE STATE OF MAHARASHTRA ..RESPONDENT

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Mr. S. S. Bora, Advocate for the Applicants.
Ms. V. S. Choudhari, APP for Respondents-State.
Mr. A. B. Ghule, Advocate for the Applicant in
APPLN/2242/2022.

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**WITH
ANTICIPATORY BAIL APPLICATION NO.836 OF 2022
WITH APPLN/2249/2022**

ASMA W/O JAVED QURESHI AND ANOTHER ..APPLICANTS

VERSUS

THE STATE OF MAHARASHTRA ..RESPONDENT

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Mr. V. B. Kulkarni, Advocate for the Applicants.
Ms. V. S. Choudhari, APP for Respondents-State.
Mr. A. B. Ghule, Advocate for the Applicant in
APPLN/2249/2022.

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CORAM : S. G. MEHARE, J.

DATED : 24th AUGUST, 2022.

PER COURT:-

1. Heard the learned counsel for the applicants, learned APP for the respondent-State and Mr. Ghule, the learned counsel for the complainant at length.

2. It is unfortunate that a young woman lost her life within a short time of her marriage. The prosecution has a case that the deceased hanged herself. It has also been alleged that before the incident, the deceased was taken to the Dargah, where some spiritual treatment was provided to her. The applicants are the sister-in-law and Maulana of the Dargah. The learned counsel for the applicants would submit that the applicants have no role to play. The husband has already been arrested and behind the bar. The in-laws of the deceased have also been arrested. On the last date, it was argued before the Court that before the incident two N.Cs., were registered against the applicants at Badnapur and Ghansawangi Police Stations. Therefore, time was granted to the learned APP to verify whether there were any such reports. However, the learned APP made a statement that the parent have not lodged the reports as such, were lodged against the applicants.

3. The learned counsel for the applicants would submit that there is absolutely no evidence against the applicants that they have committed an act due to which the deceased committed suicide. Nothing is to be recovered from the applicants. Therefore, anticipatory bail may be granted to them.

4. The learned APP has strongly opposed the applications contending that a young lady has lost her life. She had been tortured and harassed by her sister-in-law and was forcefully treated at Dargah,

and she was tortured at Dargah, also. The offence is serious. Hence, the applicants are not entitled to anticipatory bail.

5. The learned counsel appearing for the complainant has vehemently argued that there are statements of the witnesses. There is great suspicion about the spot of death of the deceased. He also tried to argue that some injuries were caused to the deceased prior to her death. He has referred to some photographs and vehemently argued that this matter must be inquired into from a different angle. He went on arguing that the police had manipulated the record, but when the Court asked him whether there was enmity between the complainant and the police, he said that there was no enmity, but he expressed his displeasure on the investigation, and alleged against the police machinery that they are not doing well. Lastly, he was referred to the postmortem report and asked whether there were any other signs of causing the death. On going through the postmortem report, he said that there are no other signs of death except hanging. However, he is insisting to the Court that the applications be dismissed.

6. Perused the papers placed before the Court. This Court really has sympathy for the young girl, who has lost her life in a short time. However, the FIR reveals that she had a suspicion against her husband that he had illicit relations with another girl, and under suspicion, she was quarreling with her husband and in-laws. Since she

was behaving abnormally, she was taken to Dargah for treatment. She used to talk to her mother on a mobile handset. There was no dispute between the family on the ground of money, but due to such suspicion of having illicit relations of husband with another lady, the family atmosphere was highly tense. She tried to explain about suspicion, but she did not listen. She had also complained to her parents about the illicit relations of her husband with another lady. The allegations have been levelled against the applicants that she has been throttled, but the postmortem report does not support such allegations. The record shows that the applicants are distant relatives, and one of the applicants is Maulana of the Dargah.

7. Considering the overall facts and the role attributed to the applicants, the Court is of the view that though the offence is serious, the applicants are residents of distant places and the Maulana, not the relative of the deceased, their custodial interrogation would serve no purpose. Hence, the following order:

ORDER

a. The applications are allowed.

b. The interim protection granted to the applicants by order dated 11.07.2022 is confirmed on the same terms and conditions of the bail bond with an additional condition to attend the police station as and when called by the Investigating

Officer on written notice and shall not tamper with the prosecution witnesses.

8. The Criminal Application Nos.2242/2022 and 2249/2022 are disposed of.

(S. G. MEHARE)
JUDGE

Devendra/August-2022