

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

BAIL APPLICATION NO. 1060 OF 2022

Rashid Rasul Sayyed ... Applicant No.2

Versus

The State of Maharashtra ... Respondent

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Mr. C. C. Deshpande, Advocate for applicant

Mr. N. T. Bhagat, APP for respondent - State

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**WITH
CRIMINAL APPLICATION NO. 2424 OF 2022**

Jabbar Gani Shaikh ... Applicant

Versus

The State of Maharashtra and others ... Respondents

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Mr. Swapnil Mule, Advocate h/f Mr. R. V. Gore, Advocate for applicant

Mr. N. T. Bhagat, APP for respondent No.1 - State

Mr. C. C. Deshpande, Advocate for respondent Nos. 2

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CORAM : R. G. AVACHAT, J.

DATED : 29th AUGUST, 2022

PER COURT :-

. Criminal Application No.2424 of 2022 is allowed. The original complainant is permitted to assist the learned APP.

2. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0180/2022, registered at Pachod Police Station, District Aurangabad, for the offences punishable under Sections 498-A, 304-B, 323, 504 read with 34 of the Indian Penal Code.

3. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the brother of the deceased. As per the case of the prosecution, the deceased met with unnatural death on 31.05.2022. The learned Advocate for the informant would submit that the husband of the deceased and her in-laws including the applicant herein would harass her in connection with unlawful demand of dowry. According to the learned Advocate, it is, in fact, the case of homicidal death. The telephonic conversation between the deceased and her husband has also been relied on. According to the learned Advocate, the deceased was a good swimmer. She could not have died of drowning.

4. Considered the submissions advanced. Perused the FIR. The case of death is said to be drowning. Section 302 has not been

invoked by the prosecution agency. The applicant before this Court is the father-in-law of the deceased. He is 53 years of age. There is no suicidal note. The nature of evidence is oral one. On investigation, the charge-sheet has been filed. It will take time for commencement and conclusion of trial. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0180/2022, registered at Pachod Police Station, District Aurangabad, for the offences punishable under Sections 498-A, 304-B, 323, 504 read with 34 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS