

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.92 OF 2023

Shaheen Altaf Shaikh

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....
Mr. Suniket A. Kulkarni, Advocate for the Applicant
Mr. S.R. Yadav Lonikar, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No 09 of 2023 registered with Navapur Police Station, District Nandurbar for offences punishable under sections 306, 498-A of the Indian Penal Code.

2. FIR is lodged by Shaikh Gulfan Shaikh Sultan brother of deceased Haleema stating that Haleema's marriage with Moin Shaikh was performed in the month of October, 2021. After marriage, father-in-law, mother-in-law, Haleema and her husband were staying together. Initially for 3 months Haleema was given good treatment and thereafter, ill-treatment started

at the hands of in-laws. The present applicant was residing at Songad at her matrimonial house. She also used to frequently come to Navapur and give ill-treatment to Haleema. On 01/01/2023, at about 1.45 Hrs., the informant received phone call that Haleema committed suicide.

3. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the papers of the investigation.

4. The applicant claims to be 8 months' pregnant. She used to reside separately at her matrimonial home at Songad, and she had no occasion to frequently visit the residence of her parents and give ill-treatment to deceased.

5. Taking into consideration the allegations made in the FIR, and material collected during the course of investigation, nothing is to be recovered from the applicant and the fact that the applicant being a pregnant woman, and in view of ratio in *Arnesh Kumar vs State Of Bihar and another* reported in *(2014) 8 SCC 273*, per-trial custodial detention of the applicant is not necessary in the facts of the present case.

5. In the result, the application is allowed by confirming the interim protection.

6. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane