

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.618 OF 2023
WITH ABA/531/2023

NAZERABEE SHAIKH SULEMAN
VERSUS
THE STATE OF MAHARASHTRA

AND
ANTICIPATORY BAIL APPLICATION NO.670 OF 2023

SHAIKH SHABANA BEGUM W/O. MOHD. KHALEEL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S. C. Bora h/f Mr. A. T.
S. Patel

APP for Respondents: Mr. S. N. Morampalle

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CORAM : R.M. JOSHI, J

DATE : JUNE 15, 2023

PER COURT :

1. These Applicants apprehend arrest in connection with Crime No. 43 of 2023 registered with Sillod City Police Station, Tq. Sillod for the offences punishable under Sections 302, 498-A, 323 read with Section 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2. On 05th March, 2023 Shaikh Arif Shaikh Yusuf lodged report to the police stating that his daughter

was married to Shaikh Shehbaz on 03.04.2015. It is alleged that the husband and in-laws used to cause harassment to his daughter and they used to demand money for the purpose of purchase of flat and car. On 05.03.2023 he received information that her in-laws have killed her. On the basis of the said report, initially offence was registered against Applicant and co-accused under Section 302 of IPC.

3. Learned Counsel for the Applicants states that during the course of investigation it was revealed that it is not the case of the murder but the deceased has committed suicide, hence, offence punishable under Section 306 of IPC came to be applied.

4. Learned APP states that charge-sheet has also been filed in the said offence.

5. Learned Counsel for the Applicants states that the deceased has left behind suicide note wherein she has only held her husband responsible for her suicide. Thus, according to him present Applicants cannot be said to have abetted the act of commission of suicide.

6. Learned APP opposed the said submissions by

pointing out the contents of the suicide note wherein not only allegation are made against husband but also against in-laws. Thus, according to him there is evidence to show that present Applicants have also abetted and instigated deceased to commit suicide.

7. Perusal of the first information report shows that there are omnibus allegations made in respect of demand of money for the purchase of flat and car. No particulars are provided in this regard. It is pertinent to note that marriage of daughter of the informant was performed on 03.04.2015. On 05.03.2023 she committed suicide leaving behind suicide note. Perusal of the suicide note clearly suggests that she has held her husband responsible for she is taking this step to commit suicide. No doubt it is also stated in the said suicide note that the in-laws also have tortured her, however, the said suicide note clearly indicates that her husband is responsible and compelled her to take such drastic step of suicide.

8. As far as present Applicants are concern, at this stage it cannot be said that they have abetted or instigated said act. After conclusion of investigation

and filing of the charge-sheet Applicants cannot be detained in custody by way of pre-trial punishment. There is no likelihood of abscondance of the Applicants. There are no criminal antecedents.

9. Hence, the applications are allowed in terms of interim orders dated 13th April, 2023, 25th April, 2023 and 18th May, 2023 respectively.

(R.M. JOSHI, J.)

Malani