

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

ANTICIPATORY BAIL APPLICATION NO.1104 OF 2023

1. Shaikh Akram s/o Shaikh Yusuf
2. Shahista Bano d/o Shaikh Rauf

VERSUS

The State of Maharashtra

Mr. Nilesh S. Ghanekar, Advocate for the applicants
Mrs. R.P. Gaur, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 31st JULY, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No. 254 of 2023 registered with Cantonment (Chavani) Police Station, Dist. Aurangabad for the offences punishable under Sections 306, 306B r/w 34 of I.P.C.

2. First informant is brother of deceased Saniya who married to Shafiq on 07/05/2023. It is alleged in the first information report that since the time of marriage deceased was harassed by husband and in-laws including present applicants herein. It is alleged that they used to demand dowry and for not meeting the same she was harassed physically and mentally. The report shows that on 15/06/2023 deceased

hanged herself.

3. Learned counsel for the applicants states that the applicants are married sister and uncle of the husband of deceased. According to him they do not stay in the joint family of the husband of the deceased. According to him as far as the allegation of 19/05/2023 wherein the amount of Rs. 2 lakhs was paid, at that time applicants were not present at the spot. This indicate that they were not party to the alleged demand of dowry.

4. Learned APP opposed the application on the ground that the statements of witnesses clearly indicate that the present applicants also caused physical and mental harassment to the deceased for bringing dowry. It is contended that the applicants are residents of Aurangabad and hence their presence in the house of deceased cannot be ruled out. It is also brought to the notice of this Court that though this is a case of suicidal hanging, the inquest panchnama shows the other injuries caused to the deceased on the ribs and wrist. It is contended that the deceased has died within a month of marriage hence it is not case of grant of anticipatory bail.

5. No doubt the deceased was married on 07/05/2023 has end

her life on 15/06/2023. There is allegation against present applicants that they were also party for raising demand of dowry. If this allegation is accepted then in that case their absence on 19/05/2023 when the amount of dowry was paid is conspicuously. There is no dispute about the fact that the one of the applicant is married sister of the husband of the deceased who married in the year 2014 and that she is residing in her matrimonial home. As far as the other applicant is concerned, there is nothing on record to indicate that he ever stayed together with husband and parents-in-law of the deceased. Having regard to these facts it is difficult to accept that they were responsible for causing harassment to the deceased which has led her to commit suicide. Though the inquest panchnama indicates the injuries on the person the deceased however, PM notes only show ligature mark as the surface injury. Moreover no offence of homicidal death is charged against any of the accused.

6. Having regard to these facts, liberty of the applicants needs to be protected. Applicants have no criminal history. They are not likely to flee from justice. Application is allowed in terms of interim order dated 10th July, 2023.

(R. M. JOSHI, J.)

ssp