

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

ANTICIPATORY BAIL APPLICATION NO. 1601 OF 2023

**SHAMIM BANO SAHEBLAL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. M. P. Gandle, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 23th OCTOBER, 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 503 of 2023 registered with Kaij Police Station, Dist. Beed for the offences punishable under Sections 302, 201, 212, 120-B, 370, 506 r/w 34 of the Indian Penal Code (for short 'IPC').

2. Kushavarti Kamble gave report to the police on 24th August, 2023 stating that her daughter was working at Renuka Kala Kendra. She alleged that Gajanan @ Gaju Karale established relations with her daughter and had also paid money to her. Said Gajanan however suspected her relations with others and on that account quarrel occurred between them. It is alleged that on faithful day present applicant who also works there came to the informant. She took her to the spot wherein the dead body of daughter of the informant was found, who had

sustained injuries on her neck. It is alleged that the present applicant snatched her mobile phone as well as mobile phone of her other daughter and threatened her not to report about the incident to the police. They all took dead body at Wangi, District Parbhani where the dead body was disposed off.

3. Learned counsel for the applicant submits that there are no allegations against the applicant of committing actual assault in which the deceased has died. It is his further contention that even if the evidence on record is accepted the offence alleged against the present applicant cannot travel beyond offence under Section 201 of IPC. According to him in no circumstances offences punishable for murder is attributable to her as the allegations in this regard are against co-accused. It is submitted that the applicant is lady with no criminal antecedents and hence it is a case of grant of anticipatory bail. He submits that there is delay in lodging of the report which creates possibility of false implication of the applicant.

4. Learned APP opposed the application by contending that there are specific allegations against the present applicant showing her involvement serious crime like murder. It is submitted that it was the applicant in took the informant to the place where the dead body is

found and that dead body was disposed of after exerting pressure and issuing threats informant.

5. The lodging of the first information report belatedly does not become a ground for grant of anticipatory bail. However, at the same time the Court is required to consider as to the nature of offence prima facie made out against the applicant. As far as applicant is concerned, even the first information report does not disclose that she is involved in the offence of murder punishable under Section 302 of IPC. The contention of the informant even if accepted to be true at the most it can be said is guilty of destroying evidence as the dead body was allegedly disposed off. Even if the allegation of threat is accepted to be true against the applicant, there cannot be any other offence except offence punishable under Section 506 of IPC attributable against her. Applicant has no criminal antecedents. She is not likely to flee from justice. Nothing is to be recovered at her instance. Hence application is allowed. Hence the following order:

ORDER

(i) In the event of arrest of applicant in connection with Crime No. 503/2023, registered with Kaij Police Station, Dist. Beed for the offences punishable under Sections 302, 201, 212, 120-B, 370, 506 r/w 34 of IPC, she shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount.

(ii) She shall attend the concerned police station once in a week till filing of the charge-sheet.

(iii) She shall not contact the witnesses directly or indirectly.

(iv) She shall not interfere with the evidence in any manner whatsoever.

(v) She is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp