

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

939 BAIL APPLICATION NO.1769 OF 2023

**AYAZ AJAJ SAYYAD
AJAJ S/O KHAJAMIYA SAYYAD AND
ILIAS S/O AJA SAYYAD
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicants : Mr. Urgunde Suhas P.
APP for Respondent : Mr. K.S. Patil**

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**CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 26, 2023**

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PER COURT :-

1. The applicants seek regular bail in connection with Crime No.379 of 2023 dated 6.9.2023 registered with AUSA police station, Tq. AUSA, District Latur for the offences punishable under sections 306, 498-A, 323, 34 of the Indian Penal Code.

2. Present application is jointly moved by three accused persons in the aforesaid crime. At the outset, learned counsel appearing for the applicants, on instructions, submits that he would not press the application of applicant no.1 Ayaj Ajaj Sayyad at this stage with liberty to approach the Sessions Court afresh after filing of the charge-sheet. However, he would continue with the bail application on behalf of applicant nos.2 and 3.

3. Permission granted. Application to the extent of applicant no.1-Ayaj Ajaj Sayyad stands disposed off as withdrawn with liberty, as prayed.

4. The investigation was set in motion on the basis of the complaint given by Harun Mubin Ansari, who is brother of victim. It is alleged that, victim Nikhat had married with the applicant no.1 on 17.4.2016. She was residing at her matrimonial house alongwith the accused persons. There was demand of Rs.5.00 Lakh from the in-laws of Nikhat. However, such demand could not be fulfilled by the informant or his family members. On that pretext in-laws of Nikhat were ill-treating her. They did not allow her to visit maternal home since 2018. Resultantly, because of mental torture and continuous ill-treatment of the in-laws she ended life by jumping from the balcony of the house. Accordingly, crime no.379 of 2023 came to be registered against all family members.

5. Mr. Urgunde, learned advocate appearing for the applicants would submit that marriage between the applicant no.1 and deceased took place in the year 2016. Although, there is allegation of demand of R.5 lakhs and ill-treatment, there were no previous complaints in this regard. A false story is hatched after suicidal death of the deceased and all family members have been falsely implicated.

6. Learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that investigation is in

progress. Whether death of the victim was accidental or suicidal is a matter of investigation. Husband of the applicant no.1 was very much present at home when the victim died. There are suspicious circumstances that needs to be cleared during the course of the investigation. Release of the applicants may hamper the smooth investigation.

7. Having considered the submissions advanced, apparently, since the year 2016 there was no complaint as regards to the ill-treatment at the hands of the in-laws of the deceased. It appears that she died on account of fall from the gallery of the home. Whether it was an accidental fall or victim committed suicide is not clear from the papers. Attributions in the FIR do not specify any role against the applicants, who are father-in-law and brother-in-law of the victim. The allegations are omnibus and general in nature. Considering the nature of allegations and the material collected during the investigation, further detention of applicant nos.2 and 3 would not be necessary. In that view of the matter, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby partly allowed.
- ii. The applicants no.2 - Ajaj s/o Khajamiya Sayyad and 3 - Iliyas s/o Ajaj Sayyad be released on bail in connection with Crime No.379 of 2023 dated 6.9.2023 registered with Ausa police station, Tq. Ausa, District Latur for the offences punishable

under sections 306, 498-A, 323, 34 of the Indian Penal Code on their furnishing P.B. & S.B. of Rs.50,000/- **Each** (Rs.Fifty Thousand), on the following conditions :-

- a] The applicants no.2 and 3 shall not tamper the prosecution evidence of witnesses in any manner.
 - b] The applicants no.2 and 3 shall attend the concerned police station once in a week i.e. on every Sunday between 10 am to 2 pm till filing of the charge-sheet.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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