

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.212 OF 2023

Falaknaaz Najeer Ahmed Sayyed ..Applicant

VS.

The State of Maharashtra ..Respondent

Mr. Ritesh Milind Thobde a/w Mr. Changdev Shingade and
Mr. Kamran Shaikh for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

Mr. Tariq Khan for intervenor.

Mr. Rajan A. Mane, MIDC Police Station, Solapur is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 24, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 306 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.670 of 2022 dated 18/12/2022 registered with MIDC Police Station, Solapur.
- 3.** The applicant is the wife of the deceased Asadullah Munshi. The complainant is the brother of the deceased.

The marriage of the applicant with deceased Asadullah took place on 09/08/2021. The applicant has a four month old daughter. Asadullah consumed poison on 02/12/2022. The FIR came to be lodged on 18/12/2022. It is alleged that the present applicant prior to the marriage had an affair with a doctor colleague of hers. The deceased came to know about the said affair. The deceased was in contact with her colleague even after the marriage. The deceased tried to persuade her to give up the relationship, instead, the applicant insisted that the deceased should divorce her. It is alleged that on some occasions the applicant apart from insisting for a divorce asked her husband to give up his life.

4. In my opinion, having regard to the accusations, whether the ingredients of Section 306 of the IPC, in that the applicant abetted the commission of the suicide by Asadullah is a subject matter of trial. There is a suicide note found wherein the deceased has narrated about the affair which the applicant was having with her doctor colleague. In the present facts the custodial interrogation of the applicant is not required. The applicant is a woman with a

child of four months old. The applicant to co-operate with the investigation.

5. Learned counsel for the applicant submitted that the mobile phone will be handed over to the Investigating Officer.

6. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.670 of 2022 dated 18/12/2022 registered with MIDC Police Station, Solapur, the applicant-Falaknaaz Najeer Ahmed Sayyed shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station on 30/01/2023 and 31/01/2023 between 11.00 a.m. and 1.00 p.m.
- (d) The applicant to co-operate with the Investigating Officer.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police

Officer and shall not tamper with evidence.

(f) The applicant shall furnish the details of her residential address and phone number to the investigating officer.

(g) The applicant to handover the mobile phone to the Investigating Officer.

7. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)