

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

BAIL APPLICATION NO.2393 OF 2022

Irshad Islam Ansari

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Vivek Punjabi a/w Ms. Kinnari Mehta for the Applicant.

Ms. A. A. Takalkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 2, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant- Irshad Islam Ansari in connection with C.R. No.184 of 2022 dated 02/04/2022, registered with Andheri Police Station, under sections 498-A, 306, 323, 504 and 34 of the Indian Penal Code, 1860.
- 3.** The applicant married Noorjahan Banu on 21/05/2021. The applicant and Noorjahan started to reside at the Matrimonial home. On 01/04/2022 i.e. within a period of 1 year of her marriage, Noorjahan committed suicide by consuming poison. The deceased Noorjahan's mother,

Shahjahan Shaukat Ali Ansari (hereafter referred to as “the informant”) in the First Information Report (“FIR”, for short) dated 02/04/2022 has alleged that on the instigation by Noorjahan’s mother-in-law and sister-in-law, the applicant was harassing Noorjahan. There are allegations of abuse and assault. In the FIR it is recorded that Noorjahan informed about her ill-treatment to the informant on telephone. In the statement recorded under section 164 of the Code of Criminal Procedure, 1973 (“Cr.P.C.” for short) on 20/07/2022, the informant stated that she came to know from the neighbours that the applicant’s mother-in-law and sister-in-law were insisting that the deceased- Noorjahan should get the motorcycle and a gold chain.

4. Learned APP submitted that in this case the presumption under section 113B of the Indian Evidence Act, 1872, will be attracted. To support her contention she relied upon the statements of witnesses that Noorjahan was being ill-treated by the present applicant as well as by her mother-in-law and sister-in-law.

5. The investigation is complete and the charge-sheet has been filed. The applicant is in custody for almost 10

months. There are no criminal antecedents reported against the applicant. The allegations primarily appear to be against the mother-in-law and sister-in-law. They have been released on bail. Having regard to the statement of the informant and the statement recorded under section 164 of Cr.P.C., further that the allegations mainly appear against the mother-in-law and sister-in-law who have been granted bail, the applicant can be released on bail. Hence, the following order.

ORDER

- (a)** Applicant- Irshad Islam Ansari in connection with C.R. No.184 of 2022, registered with Andheri Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;
- (b)** 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. The applicant shall not tamper with evidence;
- (c)** The applicant shall report to the concerned police station once a month i.e. on first Monday between 11.00 a.m. and 1.00 p.m;

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)