

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (ABA) NO. 40 OF 2023

MOHD ZUBAIR ABDUL GAFUR KURESHI AND ANOTHER

VS

THE STATE OF MHA. THR. PSO PS CHANDUR BAZAR TAH.CHANDUR BAZAR DIST.AMRAVATI

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Yash Bhelande h/f. Mr. Mohd. Amin Mohd. Salim,
Advocate for applicant.
Mr. V. A. Thakre, APP for respondent State.

CORAM : BHARATI DANGRE J.

DATE : 31/01/2023

The two applicants before me are the brother-in-laws of the deceased, who hanged herself to death on 27/12/2022, in respect of which a report came to be lodged in Chandur Bazar, Police Station District – Amravati(Rural) on 31/12/2022, resulting into registration of the subject C.R. which invoked offences punishable under Sections 304-B, 498-A read with Section 34 of the Indian Penal Code. In the C.R. four persons were arraigned as accused, the two applicants before me being arraigned as accused Nos.2 and 3, and the husband of deceased, as well as the wife of the accused No.2 are also arraigned as accused.

2. Since the applicants are apprehending arrest in said C.R. I have perused the material placed before me which include the complaint lodged by the father of deceased, who expressed suspicion upon the accused persons in his report dated 31/12/2022. He alleged that the marriage of his daughter was solemnized with the accused No.1 on 08/12/2021 and immediately after two to three months, he received a phone call from his son-in-law that the dowry was not paid and there was no proper arrangements made for the bridegroom's side. After that there was also demand of Rs.2 Lakh for purchase of a vehicle, which was turned down. The complaint specifically referred to the ill treatment of his daughter at the hands of her husband.

3. Heard learned counsel for the applicant and the learned counsel for the complainant, who was taken out an application for assisting the prosecution.

4. In the complaint also there is reference to accused No.4 the wife of the accused No.2 who was pressurizing the deceased to perform the household work, stating that now it is her responsibility. As far as present two applicants are concerned, a vague allegation is complained to the effect that they used

to always insult his daughter by alleging that no proper arrangements were made at the time of marriage which included the provision for food and which has caused embarrassment to them in the society. The complainant stated that whenever his daughter used to visit them, she used to narrate these things.

5. An unfortunate incident occurred, when the deceased hanged herself in the house and the applicants, along with the other relatives are blamed for the said incident. The material on record reveal that the deceased was taken to a family trip shortly before she took the extreme step and on the particular date, the deceased went into her room stating that she is going to take bath, but when she did not come from considerable long time, the family intervened and on breaking the door open, found herself to be hanging.

6. No doubt a young girl has taken her life barely within a span of one year from solemnization of her marriage, but that do not necessarily lead to an inference that every member in the family is responsible for her death. Even the complaint has not attributed any specific role of harassment to the applicants, which is of such a nature, that would have

instigated or incited the deceased to commit suicide. The allegations levelled are vague in nature.

That is the precise reason why accused No.4 came to be released on bail by Sessions Court on 07/01/2023 by recording that the vagueness of the nature of the accusation, definitely do not warrant any custodial interrogation.

7. Needless to state that the applicant shall abide by the conditions imposed upon them and co-operate in the investigation. Observations made above are *prima facie* in nature and are limited to the decision of the application. The applicants deserve the following order :-

ORDER

1. Application is allowed.
2. In the event of arrest in connection with C.R.No.765/2022 registered with Police Station Chandur Bazar, District – Amravati(Rural) applicants–**(i) Mohd Zubair Abdul Gafur Kureshi (ii) Mohd Shoeb Abdul Gafur Kureshi**, shall be released on bail on furnishing P. R. Bond to the extent of Rs.25,000/- each with one or two sureties in the like amount.

3. The applicant shall report to the concerned Police Station from 06/02/2023 to 08/02/2023 between 11.00a.m. to 12.00p.m. and thereafter, as and when called for.

4. 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/her from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

8. Application disposed of.

9. I have also heard that application stands disposed of.

[BHARATI DANGRE J.]